

Committee Report**Date:05.04.2023****Item Number 02****Application Number 22/00408/LMAJ****Proposal Construction of a coastal defence beach management scheme incorporating a revetment system and beach control structure along wyres coast, erection of a temporary compound to be constructed at Jubilee Gardens and open space opposite the sea cadet base in Fleetwood****Location Promenade And Beach Front Between Cleveleys And Fleetwood****Applicant Wyre Council****Correspondence Address c/o Mr Mike Wilkinson
Civic Centre Breck Road Poulton-Le-Fylde FY6 7PU****Recommendation Permit****REPORT OF THE HEAD OF PLANNING SERVICES****CASE OFFICER - Mr Dominic Waugh**

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1.0 INTRODUCTION

- 1.1 This application is being presented to the Planning Committee for consideration following a call-in request from Councillor Rachel George. A site visit is recommended to enable Members to understand the proposal beyond the plans submitted and the photos taken by the Case Officer.
- 1.2 The application seeks full planning permission for the construction of a coastal defence beach management scheme incorporating a revetment system and beach control structure along Wyre's coast, erection of a temporary compound to be constructed at Jubilee Gardens and open space opposite the sea cadet base in Fleetwood (referred to as "the proposed scheme" hereafter). For clarification purposes, the proposed scheme, which is the subject to this Committee Report is also referred to as Phase 2 of beach management works.
- 1.3 The Marine Management Organisation (MMO) are currently determining the associated marine licence application for the proposed scheme (Phase 2), alongside the proposed Rossall South Toe Protection Works (MMO reference: MLA/2022/00176), which has already obtained planning permission (application number 20/01221/FULMAJ) (also referred to as Phase 1 of beach management works).

2.0 SITE DESCRIPTION AND LOCATION

- 2.1 The application site comprises of five separate red line boundaries, within a defined study area boundary for assessment purposes:
- The first of these (to contain rock groynes i.e. structures built perpendicular to the shoreline to trap beach material) (50.6 hectares (ha) is located along the Cleveleys, Rossall South and Rossall promenade;
 - The second (to include the main site compound) (1.3 ha) is located at the existing car park and adjacent Green Infrastructure land at Jubilee Gardens between North Promenade and Jubilee Drive;
 - The third of these (to contain toe protection and rock groynes) (33.4 ha) is located at Rossall Point and Fleetwood North;
 - The fourth (to include a satellite site compound) (1.5 ha) is situated at Rossall Point car park adjacent to Beach Road; and
 - The fifth of these relates to an area of land earmarked as a potential beach recycling source (1.3 ha). Beach recycling works will only be required should beach levels between the groynes fall below the anticipated level. This will comprise the removal of beach material from an area above mean low water and moved by road transport and placed on the beach at Cleveleys

Detailed Site Locations

Cleveleys, Rossall South and Rossall promenade

- 2.2 The first application site red line boundary, located along the Cleveleys, Rossall South and Rossall promenade runs adjacent to the following road infrastructure: Promenade South; North Promenade; Rossall Promenade; and stops at its most northern point opposite Fairway & West Way roads, adjacent to Rossall Hospital Rehabilitation Unit. The total site area is 50.6ha.
- 2.3 Residential and commercial properties e.g. Café Cove and the Olympia amusements, Rossall School, recreational and leisure facilities e.g. Cleveleys Skatepark and Jubilee Gardens, and tourist and community facilities e.g. Rossall beach and Promenade, Mary's Shell tourist attraction, Cleveleys Plaza, and Giants Oar align the route of this application site boundary.
- 2.4 The Lancashire Coastal Way footpath and National Cycle Network Route 62 run adjacent to this application site boundary in a south to north direction. The Public Right of Way (PRoW) map (Lancashire County Council) also shows an established PRoW (ref: FP 10) joining the Lancashire Coastal Way footpath at Rossall Promenade, which connects to another two PRoW routes comprising: FP 12, which continues northwards along the promenade; and FP 11, which heads eastwards adjacent to Rossall School.
- 2.5 According to the Environment Agency's (EA's) flood map, the seaward side of the coastal defence lies within Flood Zone 3.
- 2.6 A section of this application site boundary, overlaps with a local Biological Heritage Site, north of Osborne Grove road.
- 2.7 In terms of cultural heritage, the nearest Listed Buildings to this application site comprise:
- Church of St Andrew - Grade II

- Delph Cottage York Cottage, Red Cottage and Mitre Cottage - Grade II
- Greenside; the Rest and Ivy Cottage - Grade II
- Rossall School Chapel - Grade II
- Wall leading south from the Gazebo at Rossall School - Grade II
- The Gazebo at Rossall School - Grade II
- West Range of Quadrangle at Rossall School - Grade II
- Rossall School Library - Grade II
- East Range of Quadrangle at Rossall School - Grade II
- North Range of Quadrangle at Rossall School - Grade II; and
- Falcon House (block north of James House at Rossall School) - Grade II

Jubilee Gardens between North Promenade and Jubilee Drive

- 2.8 The second application site red line boundary, is to accommodate the main site compound and includes the car park and public open space at Jubilee Gardens between North Promenade and Jubilee Drive. The total site area is 1.3 ha.
- 2.9 A number of residential and commercial properties (e.g. Vue Cinema to the south and The Venue restaurant and bar to the north) are situated around the site. Manor Beach Primary School is located approximately 175 meters to the south east of the application site boundary. A playground, concrete Veda and skatepark also adjoin the site to the west adjacent to North Promenade road.
- 2.10 The application boundary includes the Jubilee Gardens Pay & Display car park, and a section of Jubilee Gardens park and garden.
- 2.11 According to the EA's flood map, the land within this red line boundary falls within Flood Zones 2 and 3.
- 2.12 There are no ecological designations, which overlap with this red line boundary. The closest listed buildings to this site are Church of St Andrew (to the South East) and Delph Cottage, York Cottage, Red Cottage and Mitre Cottage (to the North East).
- 2.13 The field at Jubilee Gardens, part of which falls within this red line boundary is allocated as Green Infrastructure within The Wyre Local Plan (2011-2031) (incorporating partial update of 2022) (WLPPU31)

Rossall Point and Fleetwood North (Including Rossall Point car park adjacent to Beach Road)

- 2.14 The third application site red line boundary, located at Rossall Point and Fleetwood North includes part of the seafront promenade. The boundary starts in the south adjacent to Fleetwood golf course and includes the promenade and Nanny's beach. It then runs northwards/ north-eastwards, past the Rossall Point Watch Tower where it ends just to the north of Fleetwood car park. The total site area is 33.4ha.
- 2.15 The fourth red line boundary has been proposed to accommodate the satellite site compound for the proposed development. The total site area is 1.5ha.
- 2.16 These red line boundaries run adjacent to Fleetwood golf course, Rossall Point Watch Tower, Rossall Point car park, Rossall Point playground, Model Yacht Pond, Fleetwood Model Yacht and Power Boat Club, and Fleetwood car park.

- 2.17 Residential properties on Princes Way are located circa 20m from the red line boundary for the proposed satellite site compound and approximately 125m from the Rossall Point and Fleetwood North proposed working area.
- 2.18 Other receptors within close proximity to this application site boundary include: Golf Pro Services Ltd. - Golf shop; Dolly's Kiosks; the Log Cabin café.
- 2.19 The Lancashire Coastal Way and National Cycle Network Route 62 footpath runs within the boundary of the Rossall Point and Fleetwood North proposed working area. The PRoW map (Lancashire county Council) also identifies a number of PRoWs that either fall within or intersect with these two red line boundaries, comprising of: FP14; FP15; FP16; FP17; FP18; FP19 and FP 20.
- 2.20 According to the EA's flood map, the majority of the land within Rossall Point and Fleetwood North proposed working area falls within Flood Zone 3, with small parcels falling within Flood Zone 2. However, the red line boundary for the proposed satellite site compound falls entirely within Flood Zone 2.
- 2.21 The land within these two application site boundaries is also allocated as Green Infrastructure within the WLPPU31
- 2.22 In terms of ecological designations, land within the application boundary for the Rossall Point and Fleetwood North proposed working area overlaps with the following designations: Morecambe Bay Ramsar; Morecambe Bay Special Area of Conservation (SAC); Wyre Estuary Site of Special Scientific Interest (SSSI); and the Morecambe Bay and Duddon Estuary Special Protection Area (SPA). A section of this application site boundary, overlaps with a local Biological Heritage Site at the proposed satellite site compound location.

Land within the beach off the Esplanade

- 2.23 This application site red line boundary has been identified as a potential beach recycling source. The total site area is 1.3ha. The site is located on the beach, adjacent to the RNLI Fleetwood Lifeboat Station, just off the Esplanade, and a Beach Kiosk.
- 2.24 Euston Gardens/ Park is a small park gardens situated adjacent to the Esplanade and within close proximity of this application site boundary and next to the North Euston Hotel.
- 2.25 The Lancashire Coastal Way footpath runs adjacent to this red line boundary.
- 2.26 According to the EA's flood map, the land within this application boundary falls within Flood Zone 3.
- 2.27 In terms of ecological designations, land within this application boundary (for potential beach recycling source) includes the following designations: Morecambe Bay Ramsar; Morecambe Bay Special Area of Conservation (SAC); Wyre-Lune Marine Conservation Zone (MCZ), Wyre Estuary Site of Special Scientific Interest (SSSI); and the Morecambe Bay and Duddon Estuary Special Protection Area (SPA).
- 2.28 In terms of cultural heritage, the application site boundary falls within the Fleetwood Conservation Area. There are also a number of Listed Buildings within close proximity to this site, which comprise:
- Drinking fountain on east side of Euston Park - Grade II

- North Euston Hotel - Grade II
- Lower Lighthouse - Grade II and
- Radar Training Station - Grade II

3.0 THE PROPOSAL AND BACKGROUND DETAILS

Need for the Scheme

- 3.1 The submitted Design and Access Statement / Planning Statement (including Statement of Community Involvement) (April 2022) states that "over 11,000 properties, critical infrastructure, businesses and recreation/ amenity facilities are at risk of tidal inundation within the low-lying hinterland should a breach in the existing defences occur".
- 3.2 It is stated that existing beach levels along Wyre Council's coastal frontage are volatile and low beach levels "increase the risk of undermining and breach of the existing defences, compromises overtopping performance and results in more aggressive wave attack on the defences, which shortens their serviceable lives"
- 3.3 The Statement (April 2022) maintains that the proposed scheme will provide a solution which will "reduce beach level volatility and the risk of undermining and breach of existing defences whilst maintaining a 0.5% standard of protection (overtopping) along the frontage over the next 50 years, taking account of current projections of future climate change (e.g. sea level rise and increased storminess)".

Beach and Dune Management in Cleveleys and Fleetwood

- 3.4 The application, which is the subject of this Committee Report relates to, and forms part of a wider programme of beach and dune management in Cleveleys and Fleetwood:

Rossall North Coast Defence Scheme

- 3.5 In November 2013, planning permission (13/00501/LMAJ) was granted for the construction of a new sea wall, tiered promenade, re-profiling of land levels, landscaping and associated temporary compound and car park areas running from Rossall Hospital to Fleetwood Golf Club. The scheme was completed in June 2018.

Construction of a coastal defence revetment system and improvements to seawall, and creation of site compound

- 3.6 In June 2021 planning permission was granted (20/01221/FULMAJ) for the construction of a new crest wall alongside (landward) of the existing seawall and rock toe protection along Rossall South (between Cleveleys and Rossall Tank Traps). For clarification purposes, this scheme is referred to as Phase 1 of beach management works.
- 3.7 The Phase 1 proposed works are subject to a marine license application, which is pending determination from the Marine Management Organisation (MMO) (MMO Ref: MLA/2021/00260).

The Proposed Scheme

- 3.8 The application seeks full planning permission for the construction of a coastal defence beach management scheme incorporating a revetment system and

beach control structure along Wyre's coast, erection of a temporary compound to be constructed at Jubilee Gardens and open space opposite the sea cadet base in Fleetwood (referred to as "the proposed scheme" hereafter). The application is accompanied by an Environmental Statement.

3.9 As shown on the submitted plans the proposed scheme comprises of:

Cleveleys, Rossall South and Rossall promenade

- Removal of existing timber groynes;
- Installation of new rock armour groynes and access ramps;
- Beach and dune monitoring/ management along the coastal frontage; and
- Possible beach recycling works every 10 years from year 2025/26 (which will only be required should beach levels between the groynes fall below the anticipated level).

Jubilee Gardens between North Promenade and Jubilee Drive

As shown on the submitted plans the proposed main site compound will comprise:

- Site offices, welfare and car parking; and
- Rock Armour storage area.

Rock Armour storage area.

Rossall Point and Fleetwood North (Including Rossall Point car park adjacent to Beach Road)

- Removal of existing timber groynes;
- Installation of new rock armour groynes including access ramps;
- Installation of toe protection;
- Proposed satellite site compound location - Access to Rossall Point Car Park will require a new entrance up to 8m wide and the surface will be tarmacked;
- Beach and dune monitoring/ management along the coastal frontage; and
- Possible beach recycling works every 10 years from year 2025/26.

Land within the beach off the Esplanade

- Potential beach recycling source

Construction Programme

3.10 The Design and Access Statement / Planning Statement (April 2022) confirms that a detailed construction programme has been developed to minimise disturbance and is proposed to be ceased during the bathing season at Cleveleys Beach, which runs from 1 May to 30 September. The Statement (April 2022) notes that construction is expected to be spread over a four year period by the Contractor, as set out below:

2023

- Annual dune management at Fleetwood North from Year 1.
- The Contractor will be reusing the site compound already set up at Jubilee Gardens, as part of the Phase 1 works.
- Commence construction at Rossall Tank Traps by first creating the crossover ramps followed by groyne construction in a staggered but simultaneous approach. The sequencing of the construction works is based on building two

ramps and two groynes at a time in a staggered process using multiple teams of staff within each section of coastal frontage.

- Commence Cleveleys groynes and cross-over ramps, avoiding the bathing season

2024

- Continue construction of groynes and ramps in the Rossall Tank Trap area and complete in Summer 2024.
- Continue construction of groynes and ramps at Cleveleys outside of the bathing season.
- Commence the Rossall South groynes and ramps during the bathing season.

2025

- Complete construction at Cleveleys before end of April 2025.
- Complete construction of the Rossall South groynes and cross over ramps.
- De-mobilise the main site compound at Jubilee Gardens and reinstate adjacent working areas.
- Set-up of the satellite compound at Rossall Point Car Park.
- Commence construction of groynes, ramps and the new toe protection at

Rossall Point and Fleetwood

2026

- Complete the cross over ramps and groynes in the Rossall Point.
- Complete the Fleetwood area toe protection works.
- De-mobilise the Rossall Point Car Park site compound and cabins.
- Operational activity in 2026: beach recycling from Fleetwood North to Cleveleys (if needed). Beach recycling works to extract material from Fleetwood will not be undertaken within 1 hour of high tide to protect roosting birds.

- 3.11 It is also understood that there might be the need for beach recycling from Fleetwood North and replenishment at Cleveleys in 2033/34.

Construction Compounds

- 3.12 As listed above, the planning application includes a main site compound to be located at Jubilee Gardens and a satellite compound at Rossall Point Car Park. The locations of these two compounds are illustrated on the submitted 'Site Location Plan and Working Areas' Plan.

- 3.13 The submitted 'Works Traffic Routes and Access Points' (Drawing No. WBMS/PH2/PL/02 Rev A) drawing provides further information in relation to traffic routes and site access.

Main Site Compound - Jubilee Gardens

- 3.14 As shown on the submitted plans the proposed site compound at Jubilee Gardens will include the following elements of development: tarmac surfaced road; concrete surfaced road; perimeter hoarding and gates (for vehicles and pedestrians); mesh fencing to be constructed on the car park for the site compound; Fuel Store RC Slab; 14 cabins (welfare and stores); outdoor seating and picnic benches; designated storage areas for plant; storage area for Fibre Reinforced Concrete (FRC); offsite material; refuel area/ fuel tanks; and gateman huts.

- 3.15 Temporary site offices will be placed within the existing carpark area and will include welfare facilities such as canteen, drying rooms and separate male and female toilets. The site set up will be initially powered by generators whilst a permanent connection is installed. Waste will be taken to the public sewer. The offices and welfare will be single height cabins as not to protrude above the wall on the northern boundary
- 3.16 The applicant is proposing a one way system in terms of vehicle movements on site, operating within a 5 mph speed limit. Heavy Goods Vehicles (HGV's) are proposed to enter the site compound from the south and depart north on Promenade Road.

Satellite Compound - Rossall Point Car Park

- 3.17 As shown on the submitted 'Satellite Compound Details' plan (Drawing No. WBMS/PH2/PL/04) the proposed satellite compound will comprise of: solid hoarding and mesh fencing; vehicle haul road to be of tarmac road construction; site offices/welfare; office car park; rock storage area; fuel storage bay; topsoil bund areas; rock storage area; plant storage area; geotextile/ rock storage areas; and fuel storage bay.
- 3.18 The applicant is proposing a one way system in terms of vehicle movements on site.
- 3.19 The 'Wyre beach management scheme Phase 2 Construction Management Environmental Plan (CEMP) - Revision 2 (July 2022) confirms that the land within the compounds has been identified to assist in the control of site vehicle movements, will be surfaced with tarmac and of sufficient size to accommodate five wagons whilst unloading in Jubilee Gardens and three at Rossall point.
- 3.20 The report also notes the programmed delivery of rock armour is expected to be 1800 tonnes per week or 360 tonnes per day, which is expected to equate to 13 deliveries per day.
- 3.21 The applicant confirms that the proposed working hours for construction works will follow tidal shifts with no single shift exceeding 10 hours. It is also considered that no works will be undertaken outside of the period of Monday to Friday 07:00 until 19:00. The 'Wyre beach management scheme Phase 2 Construction Management Environmental Plan (CEMP) - Revision 2 (July 2022)' also confirms that all deliveries to site will be between the hours of 07:00 to 17:00 unless requested in writing 24 hours in advance to the project manager.
- 3.22 In terms of vehicle management, the updated 'Wyre beach management scheme Phase 2 Construction Management Environmental Plan (CEMP) - Revision 2' (July 2022) sets out a number of proposed controls including inductions for delivery drivers, temporary traffic lights and highway cleaning measures.
- 3.23 In terms of foul sewerage, a septic tank will be used at this satellite compound.

NMU Connectivity

- 3.24 In terms of connectivity for non-motorised users (NMU's), the 'Wyre beach management scheme Phase 2 Construction Management Environmental Plan' (July 2022) clarifies:
- Jubilee Gardens - during working hours, access along the promenade

fronting the Café Cove and immediately north of the construction access route to site will be closed. The east footpath will remain open for the public as agreed with Lancashire County Council. The closures and pedestrian management will be controlled by three banksmen.

- Rossall Point - The pedestrian access on the Fleetwood (east) side of the compound will be closed to the public when in use by the construction team. A procedure will be in place for it to be checked and inspected prior to opening to the public.

Accompanying Information

3.28 The application has been submitted with a range of supporting documentation (along the detailed plans submitted) including:

- Environmental Statement (Including Non-Technical Summary) (April 2022);
- Design and Access Statement / Planning Statement (including Statement of Community Involvement) (April 2022);
- Outline Business Case - Executive Summary only (January 2020);
- Report to inform Habitats Regulations Assessment (HRA): Stage 1 Screening and Stage 2 Appropriate Assessment (March 2022);
- Construction Management Environmental Plan - (September 2021);
- Construction Management Environmental Plan - Revision 1 (March 2022);
- Supporting Letter from Applicant to Resident (April 2022).
- Construction Management Environmental Plan - Revision 2 (July 2022);
- Environmental Statement (Including Non-Technical Summary) (August 2022);
- Environmental Statement - Responses to the Environment Agency comments on the ES (August 2022);
- Phase 1 Rossall South Toe Protection Works - Environmental Statement Addendum (Document No. 2 Revision: 1) (March 2022 - Updated August 2022) - This ES Addendum has been prepared as an addendum to a previously submitted Phase 1 Environmental Statement, which related only to the Phase 1 works and was submitted to the Marine Management Organisation (MMO) (MMO Ref: MLA/2021/00260). The application was then withdrawn. This ES Addendum (August 2022) has been submitted as part of the supporting information relating to a revised application (MMO Ref: MLA/2022/00176) for both Phases 1 and 2 of the Wyre Beach Management Scheme Phases 1 and 2. Although this report relates to an application for a marine license, it has been submitted as part of the planning application (22/00408/LMAJ) in the interests of thoroughness
- Report to Inform Habitats Regulations Assessment: Stage 1 Screening and Stage 2 Appropriate Assessment (August 2022)
- Archaeological Written Scheme of Investigation (June 2022)
- Environmental Statement Addendum (January 2023) (including updated HRA & Updated Technical Note for Environment Agency).

4.0 RELEVANT PLANNING HISTORY

4.1 The relevant planning applications to the proposed scheme comprise:

4.2 Planning permission (LPA Ref: 13/00501/LMAJ) was granted in November 2013 for the construction of a new sea wall, tiered promenade, re-profiling of land levels, landscaping and associated temporary compound and car park areas running from Rossall Hospital to Fleetwood Golf Club. The scheme was completed in June 2018;

4.3 Planning permission (LPA Ref: 20/01221/FULMAJ) was granted in June 2021

for the construction of a new crest wall alongside (landward) of the existing seawall and rock toe protection along Rossall South (between Cleveleys and Rossall Tank Traps). Note: This is also referred to as 'Phase 1'; and

- 4.4 Request for an EIA Screening and Scoping Opinion (LPA Ref: 19/01296/SCOP) for Wyre beach and dune management scheme.

5.0 PLANNING POLICY

5.1 ADOPTED WYRE BOROUGH LOCAL PLAN (2011-2031) (INCORPORATING PARTIAL UPDATE OF 2022)

5.1.1 The Wyre Local Plan (2011-2031) (incorporating partial update of 2022) (WLPPU31) was adopted on 26 January 2023 and forms the development plan for Wyre. To the extent that development plan policies are material to the application, and in accordance with the provisions of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise.

5.1.2 The following policies contained within the WLPPU 2031 are of most relevance:

- SP1 - Development Strategy
- SP2 - Sustainable Development
- SP7 - Infrastructure Provision and Developer Contributions
- SP8 - Health and Well-Being
- CDMP1 - Environmental Protection
- CDMP2 - Flood Risk and Surface Water Management
- CDMP3 - Design
- CDMP4 - Environmental Assets
- CDMP5 - Historic Environment
- CDMP6 - Accessibility and Transport

5.2 NATIONAL PLANNING POLICY FRAMEWORK

5.2.1 The National Planning Policy Framework (NPPF) sets out the planning policies for England and how these should be applied in the determination of planning applications and the preparation of development plans. At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11). The policies in the 2021 NPPF are material considerations which should also be taken into account for the purposes of decision taking.

5.2.2 The following sections / policies set out within the NPPF are relevant to the determination of this application:

- Section 2- Achieving sustainable development;
- Section 4- Decision-making;
- Section 8- Promoting healthy and safe communities;
- Section 11- Making effective use of land;
- Section 12- Achieving well-designed places;
- Section 14- Meeting the challenge of climate change, flooding and coastal change;
- Section 15 - Conserving and enhancing the natural environment; and
- Section 16 - Conserving and enhancing the historic environment.

5.3 The NPPF is accompanied by Technical Guidance, which amongst other things, gives further guidance on flood risk and coastal change and design. The National Planning Practice Guidance (NPPG) contains the Government's guidance on a variety of planning and environmental topics, several of which are of relevance to this application:

- Air Quality (Construction impacts);
- Climate Change;
- Design;
- Determining a planning application;
- Effective use of land;
- Environmental Impact Assessment;
- Flood Risk and Coastal Change;
- Historic Environment;
- Natural Environment;
- Noise (Construction Impacts);
- Open space, sports and recreation facilities, public rights of way and local green space; and
- Use of Planning Conditions.

5.4 OTHER MATERIAL CONSIDERATIONS

5.4.1 SUPPLEMENTARY PLANNING GUIDANCE

The following is of relevance to the determination of this application:-

- Secure Design (2002).

5.5 Further Relevant Planning Policies/Legislation

- The Town and Country Planning (Environmental Impact Assessment) Regulations 2017
- The Conservation of Habitats and Species Regulations 2017 (as amended)
- The Wildlife and Countryside Act 1981 (as amended)

6.0 CONSULTATION RESPONSES

6.1 This section of the report sets out the consultation responses that were received during both rounds of consultation in relation to the planning application for the proposed scheme.

First Round of Consultation

Statutory Consultees

NATURAL ENGLAND

6.2 In their response dated 24 June 2022, Natural England confirmed their opinion that the proposed scheme could potentially result in significant adverse effects on a number ecological designations comprising: Morecambe Bay and Duddon Estuary SPA; Morecambe Bay SAC; Morecambe Bay Ramsar; Liverpool Bay SPA; Shell Flat and Lune Deep SAC; Wyre Estuary Site of Special Scientific Interest SSSI; and Wyre - Lune Marine Conservation Zone (MCZ). Natural England therefore requested further environmental information from the applicant in order to determine the significance of these potential impacts and the scope for required mitigation.

- 6.3 Natural England's response confirmed that they required an updated Habitats Regulations Assessment (HRA) that addressed their concerns and that in the absence of this, Natural England may need to object to the proposal. Natural England requested to be re-consulted with this additional environmental information.

Internationally and nationally designated sites

- 6.4 In their consultation response, Natural England advise that Wyre Council as the competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts a project may have. The consultation response also notes that 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. The response also recommends the use of their Conservation Advice Packages.

Habitats Regulations Assessment

- 6.5 Natural England confirm in their consultation response that they do not agree with the conclusions of the submitted HRA (March 2022) and advise that the competent authority do not grant planning permission for the proposed scheme at this stage. The response confirms Natural England's view that the submitted HRA (March 2022) does "not clearly set out the sequential tests of Habitats Regulations (i.e. Assessment of likely significant effects, followed by an Appropriate Assessment) and draw clear conclusions at each stage".
- 6.6 In their response, Natural England state that to meet the sequential tests of the Habitats Regulations, the submitted HRA (March 2022) "should be updated and all potential impact pathways should be assessed, with each assessment having sufficient evidence to justify its conclusions and include an in-combination assessment for each pathway". A number of other comments were made about the HRA including for example they advised that any impact pathway that has the potential to have a likely significant effect should be taken through to the appropriate assessment stage.
- 6.7 The consultation response sets out a list of additional information required to be included in the HRA, including further information in respect of:
- Habitat loss;
 - Disturbance of qualifying birds via increased light, noise, movement;
 - Water pollution;
 - Changes to natural hydrological and coastal processes;
 - Beach recycling; and
 - Additional impact pathways.

Wyre Estuary SSSI

- 6.8 Natural England confirm that the application does not contain sufficient information to conclude that the proposed scheme is not likely to damage or destroy the interest features for which this SSSI has been notified.

Marine and Coastal Access Act 2009

- 6.9 In their response, Natural England acknowledge that the application site falls within the Wyre - Lune MCZ, which is designated for smelt (*Osmerus eperlanus*). Natural England note that a MCZ Screening Assessment dated April 2022 has been undertaken and concurs with the conclusion of the MCZ Assessment, that

the proposed works will not have any likely significant effects on the qualifying features of the Wyre-Lune MCZ.

ENVIRONMENT AGENCY

- 6.10 In a response dated 19th May 2022, the Environment Agency confirm no objection in principle to the proposed scheme, however they are seeking further clarification and details to fully understand the potential impacts on coastal processes and related habitats.
- 6.11 In their response, the Environment Agency acknowledge the Coastal Processes and Geomorphology Baseline Report (dated October 2021) as being helpful in setting the history and context for the proposed scheme and the ES report provides a good overall assessment, "however the latter lacks clarity regarding the conclusions made about the impacts and mitigation on dune habitat at the north end of the site".
- 6.12 The response includes a set of detailed comments on the submitted Environmental Statement and Non-Technical Summary (April 2022), which in summary relate to:

Non-Technical Summary (NTS) Geology, geomorphology and coastal processes

- Further details required in relation to the retention and extraction of beach sediment

Non-Technical Summary (NTS) Biodiversity

- Further justification on the reason for the stipulated loss of 0.05ha of dune habitat; and
- Is the current extent of the invasive non-native weed species problem known, as it does not appear to be clarified?

Environmental Statement - Chapter 9: Geology, geomorphology and coastal processes

- Clarification sought on what specific processes/conditions have been driving the formation of sand dunes, and over what time scale, extent and area, and details on their current condition;
- Clarification required on whether any material has been extracted in previous years that would affect the dunes, or if there are any other impacts affecting them;
- Further details required on the stipulated beach profile data and historical trend analysis carried out before and after the dates mentioned;
- Clarity is lacking in the report regarding the cessation of groynes and the requirement for the headland groyne. The 'moderate' classification in the report should be quantified, as it is unclear what this means for the dunes on the ground and in terms of mitigation;
- Monitoring data at the removal site will be important, however it is not clear if this site or others in this cell may have been used for extraction before and, at this site specifically, what happened in terms of erosion/accretion from 2018-2022. Also, clarification is sought on what will happen if the site does not recover enough, but the west frontage still needs material;

- In relation to the potential management measures to improve recovery of the dunes, it is considered this should be documented as part of the planning process and provided as mitigation for 'moderate' impact.

Environmental Statement - Chapter 10: Biodiversity (Terrestrial Ecology)

- It is not clear how the specified 0.05ha loss of embryonic shifting dunes occurs;
- Concerns about terminology stating that as such the total extent to which this habitat is present within the SAC designation boundary will always be in a state of flux and their reduced importance to the integrity of the SAC. It is considered this statement undervalues this habitat and contrasts with Natural England's website, which states that this habitat is of exceptional importance as an indicator of the general structural and functional health of a dune system.
- The ES states that there is the potential for direct impacts on a Biological Heritage Site (BHS), however it is not clear what specifically this loss will be caused by and further detail should be provided; and
- Further detail is required to clarify the reasons for the loss in BHS habitat and to allow a full assessment of this impact and agree suitable mitigation. There is little or no information on enhancement.

Additional Comments

- 6.13 The consultation response also confirms the Environment Agency's view on flood risk, environmental permitting and foul drainage. In relation to flood risk, the Environment Agency confirms that the application site lies on the Fylde Coast within Flood Zone 3 (high probability of flooding) and Flood Zone 2 (medium probability of flooding) on the Environment Agency Flood Map for Planning.
- 6.14 In their response, the Environment Agency confirm that the Wyre Beach and Dune Management Outline Business Case (Wyre Council, January 2020) has been approved by the Environment Agency Large Project Review Group and that the proposed scheme forms part of this larger proposal.
- 6.15 The Environment Agency confirm that they have no objection to the proposed scheme in relation to flood risk.
- 6.16 In terms of environmental permitting, the consultation response confirms that "in accordance with the Environmental Permitting (England and Wales) Regulations 2016, an environmental permit may be required for flood risk activities within 16 metres of a sea defence structure. However, in this particular case, as the works are proposed to be undertaken and maintained by the Wyre Council who are the coast protection authority under the provisions of the Coast Protection Act 1949(9), and as the Environment Agency do not own and/or maintain these defences, a permit would not be required in this instance".
- 6.17 The consultation response acknowledges that a septic tank is proposed for foul sewage disposal at the Fleetwood satellite compound, which is in an area served by the public sewer network. The response notes that the proposed scheme should comply with Paragraph 20 of the "Water supply, wastewater and water quality" category of the National Planning Practice Guidance and the first presumption must always be to provide a system of foul drainage discharging into a public sewer. The Environment Agency clarify in their response that "where it is not possible to connect foul drainage to the main sewer, under the Environmental Permitting Regulations 2010 any discharge of sewage or trade effluent made to

either surface water or groundwater will need to be registered as an exempt discharge activity or hold a permit issued by the Environment Agency, addition to planning permission. This applies to any discharge to inland freshwaters, coastal waters or relevant territorial waters".

- 6.18 Finally, the Environment Agency advises that the applicant refers to pollution prevention guidance.

WYRE BC HEAD OF PUBLIC REALM AND ENVIRONMENTAL SUSTAINABILITY
(TREE AND WOODLAND OFFICER)

- 6.19 In a response from Wyre Council's Tree Officer it was confirmed that there are no potential adverse arboricultural implications that could result from this proposed scheme due to the fact that there are no trees that would be affected.

WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY
(ENVIRONMENTAL PROTECTION - AMENITY AND LAND CONTAMINATION)

First Response to Consultation

- 6.20 In a response dated 3rd May 2022, the Council's Environmental Health Technician (Pollution Control) acknowledges that the Fleetwood compound will be situated on an area of unknown fill. The response confirms that since the proposed building will be a temporary structure and there is to be no surface break for service pipework, it is requested that the applicant confirms how the facility will be ventilated, including where possible on the underside of the buildings.

Second Response to Consultation

- 6.21 In a response dated 18th May 2022, a second Environmental Health Officer (EHO) from Wyre Council confirmed that additional information and changes are needed to either clarify information set out in the submitted Construction Environmental Management Plan (CEMP) (March 2022) or ensure that the CEMP meets
- 6.22 The consultation response (18th May 2022) specifically mentions the proposed working hours stipulated in the CEMP (March 2022) as "being 07.00-19.00 Monday to Friday and 08.00- 13.00 Saturday and no works Bank/Public Holidays". The EHO's response advises that any reference to the working times in the CEMP are changed to the following; "Working hours for the site shall be restricted to 8.00am to 18.00pm Monday -Friday and 8.30 am to 13.30pm Saturdays with no work to take place on Sundays and Bank/Public Holidays".
- 6.23 The EHO's response also acknowledges that "noise level information is provided that would imply that out of hours working will be taking place, and that a new noise level limit will be set for these occasions. If out of hours working is planned then the CEMP needs to be updated to reflect that both the Local Planning Authority, and Council's Environmental Health Team require notification in writing 24hrs before works are intended to take place in order that a new temporary noise limit and appropriate mitigation measures can be agreed in advance for the notifiable works. The CEMP must acknowledge that works cannot not take place until agreement has been reached".
- 6.24 The EHO also advised that any agreed out of hours works "must also be communicated to any local residents / members of the local community who may be impacted by the works prior to the works commencing. Contact details must

be given/provided to them on how and who to contact if they are affected by noise during the works".

- 6.25 The EHO's response also requests that in an amended CEMP, "sections 5.6 and 5.8 be re-written as they contradict one another. Section 5.6 of the CEMP clearly states that Balfour Beatty will install specified acoustic barriers as stated in section 8.1 of the supporting noise report. However section 5.8 states that screens will be used 'where practicable". The EHO confirms that approval of the submitted CEMP is reliant on the adoption of suitable noise mitigation and therefore requests that "the re-write clarifies that the use of acoustic barriers/screens will be implemented in full and that the CEMP states clearly the specification of the barriers/screens to be used". If reference to the noise report is needed then the EHO asks that the revised document as a whole is provided in an annex to the CEMP and not a screen shot of the relevant part of the report in the main body of the CEMP.

WYRE BC HEAD OF ENGINEERING SERVICES (DRAINAGE)

- 6.26 In a response dated 25th May 2022, Wyre Council's engineering services confirmed no objection to the proposed scheme. The consultation response acknowledges that the Environment Agency defines the application site as being within Flood Zone 3 (High Risk) as set out in the National Planning Policy Guidance. The site is assessed as having a 1 in 100 or greater annual probability of river flooding (>1%) or a 1 in 200 or greater annual probability of flooding from the sea (>0.5%) in any year. These flood zones refer to the probability of river and sea flooding, ignoring the presence of defences.
- 6.27 The consultation response also confirms that the required Flood Risk Assessment meets the appropriate requirements and no emergency plan assessment is required.

GREATER MANCHESTER ECOLOGY UNIT (GMEU)

- 6.28 The Greater Manchester Ecology Unit (GMEU) responded on 17th June 2022. The GMEU confirmed that the ecology surveys carried out by the applicant have "been undertaken by suitably qualified ecologists and were to generally appropriate standards. Although some of the surveys were undertaken in January, not an optimal time of year to conduct botanical surveys, the nature of the habitats involved means that this was not a significant constraint". The GMEU conclude in their response that no further surveys need to be undertaken.
- 6.29 The consultation response acknowledges that the application site lies within close proximity of the Morecambe Bay and Duddon Estuary SPA, the Morecambe Bay SAC, the Liverpool Bay SPA and the Shell Flat and Lune Deep SAC. Part of the site (northern development parcel) is actually within the Morecambe Bay SAC.
- 6.30 The GMEU response confirms that the Applicant has prepared a Habitats Regulations Assessment (HRA) appraising the potential impacts on the proposed scheme "on the special nature conservation interest of the designated sites, to comply with its duties under the terms of the Conservation of Habitats and Species (Amendment) (EU-Exit) Regulations 2019". In their consultation response, the GMEU confirm their view that "the HRA has been prepared by suitably qualified ecologists and appears to be to appropriate standards". However, the response notes that the GMEU "lack the relevant expertise to pass meaningful comment on the modelling and assumptions used to assess the potential for direct losses to marine and littoral habitats within the Morecambe Bay SAC as a result of the scheme (section 5.2.1 of the HRA)". On this point, the

GMEU defer to the advice of Natural England as the statutory agency with the relevant expertise to appraise the extent and impact of any direct habitat losses.

- 6.31 The response confirms that if it is accepted by Natural England that the proposed scheme will not cause any harmful habitat losses, the GMEU would agree with the conclusions of the HRA that the proposals will not cause harm to the special nature conservation importance of any of the statutory designated sites, providing that a comprehensive Construction Environmental Management Plan (CEMP) is prepared to inform and direct the proposed scheme.
- 6.32 The GMEU note that the submitted CEMP does not appear to make any mention of nature conservation interests. The response also clarifies that the submitted HRA states - "The CEMP will be informed by all previously completed ecological survey work and will set out the necessary timings and safe working practices that will be implemented to minimise disturbance of qualifying species and avoid pollution of qualifying / supporting habitats during the construction phase of the proposed development".
- 6.33 The response advises that a revised CEMP "should be required to be prepared, including specific mention of measures to be employed to avoid impact on birds, as a Condition of any permission which is granted to the application".
- 6.34 The consultation response observes that proposed works at the northern end of the application site from Rossall Point to the River Wyre lie within the Wyre Estuary SSSI and that "the SSSI is designated for habitats including intertidal estuarine flats and saltmarsh, and for the significant populations of wintering birds that the area supports. Works in this area may have impacts on the interest features of the Wyre Estuary SSSI through direct disturbance to birds and intertidal habitats and indirect impacts such as noise". The response also confirms that the Lune Estuary SSSI lies to the north east of the proposed works and is also designated for its populations of waterfowl. The GMEU consider that it will not be directly impacted by the proposed works as it lies on the opposite side of the River Wyre, "however, there is the potential for indirect impacts to the SSSI from changes to coastal processes and construction noise". The GMEU therefore advise that the CEMP referred to above would act to avoid and/or mitigate for any disturbance to the SSSIs.
- 6.35 The GMEU confirm that three local wildlife sites (Biological Heritage Sites) lie within close proximity to the proposed works areas, but it is considered unlikely that these sites will be significantly harmed by the proposed works.
- 6.36 In terms of habitats, the consultation response confirms the GMEU's opinion that the majority of terrestrial habitats to be affected by the proposed scheme outside of designated sites are relatively common and widespread, but there are some small areas of notable coastal habitat around the Jubilee Gardens compounds which will be affected by the proposed scheme. The GMEU consider that "it is also possible that notable habitats including clay exposures and small areas of mobile dunes may be affected by the works, depending on routes used to access the shoreline".
- 6.37 The consultation response acknowledges that restoration plans for these areas include re-creating and enhancing these important habitats, and these plans are welcome, but the GMEU would also recommend that "transport and access routes to the works areas, and the works areas themselves, are suitably marked so that notable habitats can be avoided. It would be useful to engage an Ecological Clerk of Works to demarcate sensitive ecological areas and to oversee

the works, to ensure that designated works areas are being kept to and sensitive habitats are being avoided".

- 6.38 The response confirms that the GMEU could not find details of the long-term habitat management of enhanced and newly created terrestrial habitats within the application documentation. They therefore "recommend that long term (10 year) Plans for managing new Landscaping and Habitats (including monitoring) are required to ensure that these habitats are sustainable. These Plans should be required by Condition".
- 6.39 The consultation response confirms that the proposed scheme is considered unlikely to cause significant harm to any protected or notable species outside of the designated sites, but some general precautions should be taken during works to avoid any harm to notable species. The GMEU confirm that "to avoid harm to reptiles and amphibians, any habitat clearance required to facilitate the works should be undertaken under the supervision of a suitably qualified ecologist".
- 6.40 In terms of invasive species, the GMEU confirm in their response that "as a Condition of any permission which may be granted to the application, a Method Statement must be prepared giving details of the measures to be taken to control the spread of invasive plant species during the course of works. Once agreed, the Method Statement must be implemented in full. Japanese Rose has been recorded on the site, and the spread this invasive plant species in the wild is proscribed under the terms of the Wildlife and Countryside Act 1981 (as amended)".
- 6.41 The GMEU's response notes that "outside of the designated nature conservation sites, opportunities for ecological enhancement of terrestrial habitats have been integrated into the scheme, including - Enhancement of grassland and coastal habitats". The GMEU would "accept that the proposed enhancements will deliver a substantive gain in local biodiversity. However, there is a need for long-term habitat management plans to be prepared for habitats to be created or enhanced... The impacts of the scheme on marine and littoral habitats are not included in the overall conclusions of the biodiversity net gain report because of inherent difficulties in including these habitats in a metric calculation, and because of uncertainties about coastal processes. Impacts on notable habitats within designated sites cannot be included in a metric, but are discussed in the HRA".
- 6.42 The consultation response concludes that the GMEU would raise no overall objections to the application on Ecology grounds, but would recommend that -
- "Further information is needed concerning the impact of dredging and recycling on marine and littoral habitats.
 - An amended CEMP should be required by Condition.
 - Long-term management plans for re-created and enhanced habitats should be required by Condition.
 - To avoid harm to reptiles and amphibians, any habitat clearance required to facilitate the works should be undertaken under the supervision of a suitably qualified ecologist.
 - A Method Statement must be required to be prepared giving details of the measures to be taken to control the spread of invasive plant species".

LANCASHIRE COUNTY COUNCIL - LEAD LOCAL FLOOD AUTHORITY

- 6.43 In a response dated 29th April 2022, Lancashire County Council (LCC) as Lead Local Flood Authority (LLFA) confirmed no objection to the proposed scheme.

- 6.44 The LLFA confirm in their response that they expect the "applicant to pay due consideration and attention to appropriate surface water implications during the construction phase, in addition to pollution prevention during this phase, with particular reference to the storing of materials and vehicles".

LANCASHIRE COUNTY COUNCIL - HIGHWAYS

- 6.45 In a response dated 14th June 2022, LCC acting as the Local Highway Authority (LHA) confirmed that they supported the proposed scheme and have no objections.
- 6.46 The response notes that the proposed scheme will lead to "significant HGV traffic movements" but that "once constructed maintenance movements will be occasional".
- 6.47 LCC acknowledge the submitted CEMP and confirm that they are satisfied that the CEMP is acceptable.
- 6.48 The consultation responses notes that "the proposed routeing of construction traffic is acceptable to LCC however, it should be noted that part of the construction route will place traffic on roads which LCC are not the Local Highway Authority (LHA) and as such it is advised that Blackpool as LHA for those roads should be consulted. Due to the nature of the ground on the Fylde coast road can suffer from settlement / displacement if subjected to continuous heavy loading as such the residential roads that will be used as construction traffic routes should be surveyed prior to commencement of construction and at regular intervals throughout the construction period".
- 6.49 The response acknowledges that "in order to access the beach strengthening works to North Promenade will be required. The details of which have been agreed and will need to be delivered through a s278 agreement".
- 6.50 In conclusion, LCC support the proposed scheme and suggest the following conditions if planning permission is granted:
1. "No part of the development hereby approved shall commence until the site access and the off-site works of highway improvement has been implemented
Reason: In the interests of highway safety.
 2. The development should be carried out in accordance with the approved Construction Environmental Management Plan (CEMP).

Reason: To protect existing road users and to maintain the operation and safety of the local highway network and to minimise the impact of the construction works on the local highway network.
 3. No development shall take place until a survey of the condition of the adopted highway has been submitted to and approved in writing by the Local Planning Authority. The extent of the area to be surveyed must be agreed by the Highways Authority prior to the survey being undertaken. The survey must consist of:
 - A plan to a scale of 1:1000 showing the location of all defects identified.
 - A written and photographic record of all defects with corresponding

location references accompanied by a description of the extent of the assessed area and a record of the date, time, and weather conditions at the time of the survey.

- An agreed a timescale for repeated surveys.

Reason: To ensure that any damage to the adopted highway sustained throughout the development process can be identified and subsequently remedied at the expense of the developer".

WYRE COUNCIL - PLANNING CONSERVATION OFFICER

- 6.51 The consultation response (dated 26th April 2022) from the Planning Conservation Officer considers the proposed scheme is "acceptable as it would preserve the appearance and setting of the adjacent listed buildings, the Fleetwood Conservation Area and a number of other heritage assets (non-designated) within the vicinity of the application site and thus also sustain the significance of these designated and non-designated heritage assets".
- 6.52 The Planning Conservation Officer's consultation response includes a set of detailed comments, relating to above ground, post medieval extant structures or buildings. In their response, the officer confirms that "the assertion contained within the submitted Heritage Statement that no designated heritage asset would be directly affected by the proposed development and that for any heritage asset the maximum impact could be categorised as being either 'minor adverse', 'negligible adverse' or 'minor beneficial' is accepted. Indeed the findings of the submitted Heritage Statement as a whole are accepted".
- 6.53 The officer also notes their view that "the designated heritage assets where there is the potential for the greatest, albeit limited impact, are confined to Rossall School, grade II listed, where the only impact would be a slight modification to their setting. This is considered to be so minor as to not cause any material harm".
- 6.54 The consultation response also highlights that the other non-designated heritage assets with the potential for impacts fall under the category of archaeology, which include: the Landmark Towers at Rossall, the tree stumps close to Jubilee Gardens, Cleveleys and the WWII Tank Traps at Rossall. The officer acknowledges that "the impact is categorised as being either 'minor adverse' as the asset may be damaged or removed or 'negligible adverse/minor beneficial' where the feature may become slightly obscured as a result of the proposed development".
- 6.55 In their response, the Planning Conservation Officer confirms that in overall terms the impact of the proposed scheme upon any heritage asset, either designated or not, is considered to be minor. The officer also confirms the view that due to the overall benefits of the proposed scheme to the area as a whole it is considered that this level of harm is acceptable.
- 6.56 Finally, the consultation response acknowledges that the submitted heritage statement and reference to an archaeological watching brief', which will be maintained during the course of construction and that any finds or remains of long hidden structures are recorded in situ as a matter of course. The Planning Conservation Officer suggests the possibility of a "suitably worded condition to that effect could be imposed on any permission that may subsequently be granted". The officer also states that "no doubt LCC Archaeology will be more specific on the requirements in their response".

LANCASHIRE COUNTY COUNCIL - HISTORIC ENVIRONMENT TEAM
(ARCHAEOLOGY)

- 6.57 In a response dated 27th May 2022, the Planning Officer (Archaeology), confirms acceptance of the findings of the Cultural submitted Heritage Statement (Jacobs: December 2021) are accepted.
- 6.58 The response confirms that no archaeological designated heritage assets are directly or indirectly impacted by the proposed scheme.
- 6.59 The response from LCC notes that the submitted Heritage Statement (2021) proposes the establishment of an exclusion area at the Rossall Landmark site to avoid impacts, as well as a "protocol for the discovery of previously unknown archaeological remains". However, in their response, LCC notes that the Heritage Statement "does not suggest any form of protection or exclusion zone for the anti-tank cubes, but this should be considered if the works will require access for machines or materials close to them - it is not clear from the planning documents if this will be necessary". LCC confirm in their response that they "consider the exclusion zone(s) a sensible precaution, and would suggest that the 'protocol' recommended be in the form of (i) a formal watching brief when works are being undertaken in the vicinity of the peat deposits, Rossall Hall, the Fenny farmstead and the Landmark site; and (ii) a plan for identifying remains encountered elsewhere during the works and preserving them in situ until they can be recorded by an on-call archaeological contractor. These works can be required by an appropriate planning condition or if an appropriate scheme of works could be devised and submitted prior to any planning decision being reached, then any approval could be made conditional on its implementation.

FLEETWOOD CIVIC SOCIETY

- 6.60 In a response dated 17th May 2022, Fleetwood Civic Society acknowledged that the proposed works are "necessary to prevent flooding along the part of the coastline indicated". The response also noted a number of considerations for the determination of the proposed scheme:
- The need to replace and/ or enhance the two proposed site compound areas;
 - The Fleetwood green space and the car park alongside are very well used and need to be urgently restored after completion;
 - Consideration must be given to the proposed construction traffic routes to both compounds;
 - Safety issues raised in relation to the proposed traffic route;
 - The chosen traffic route must be subject to immediate resurfacing after completion of the proposed works;
 - Confirmation must be sought to clarify with Blackpool Transport the requirements for the lorries to cross the trams at right angles.

FLEETWOOD TOWN COUNCIL

- 6.61 Fleetwood Town Council responded on 11th May 2022 to confirm their objection to the proposed scheme, citing a number of issues:
- "The current use of the land by locals and visitors, which is a popular picnic area and dog walking/activity area used daily by many.
 - The adverse effect on the popular local business The Kabin.
 - The suggested route into Fleetwood by the lorries transporting the stones.
 - The already (alleged) failings in the sea defences erected at Rossall Beach.

- How dangerous the stones/rocks are for Children and dogs".

MARINE MANAGEMENT ORGANISATION

- 6.62 The Marine Management Organisation (MMO) responded to the consultation on 26th April 2022 confirming that any elements of the proposed scheme "within the Marine area require a licence from the Marine Management Organisation. It is down to the applicant themselves to take the necessary steps to ascertain whether their works will fall below the Mean High Water Springs mark".
- 6.63 The response confirms that any proposed works activities taking place below the mean high water mark may require a marine licence in accordance with the Marine and Coastal Access Act (MCAA) 2009. Such activities include the construction, alteration or improvement of any works, dredging, or a deposit or removal of a substance or object below the mean high water springs mark or in any tidal river to the extent of the tidal influence.

UNITED UTILITIES

First Response to Consultation

- 6.64 The initial response (dated 13th June 2022) confirmed that United Utilities were reviewing the submission documents to understand any potential impacts on their infrastructure.

Second Response to Consultation

- 6.65 In a response dated 30th June 2022, United Utilities firstly referred to the fact they had made comments on the Phase 1 application (20/01221/FULMAJ) whereby they identified a number of their assets, including a large diameter combined sewer (2850mm).
- 6.66 The response notes that United Utilities (UU) is supportive of the proposed scheme, but brings to the LPA's attention that the proposed works will either be on or immediately adjacent to their public sewer network, including the above mentioned large diameter combined sewer, and water mains. The consultation response raises the following issues with the application and proposed scheme, and requests further information:
- A number of UU water and wastewater assets are affected by the proposed scheme. UU request that the submitted information is updated to show the proximity of these proposals to their assets and that the applicant contacts UU to discuss tracing the exact location of these assets;
 - Any works carried out will need to comply with UU's Standard Conditions for Works Adjacent to Pipelines document;
 - Particular attention should be paid UU's requirements with regard to maximum loading and vibration limits on our assets, in particular at the Jubilee Gardens compound; and
 - UU request that the applicant submits temporary works calculations for their review to ensure that the proposed works are within the requirements of UU's Standard Conditions document.
- 6.67 In their response, UU state that given the presence of water and wastewater infrastructure within the planning application boundary of the proposed scheme, including the location of a large diameter and significant combined sewer, amendments to the proposals or the diversion of infrastructure may be required.

- 6.68 The consultation response includes suggested wording for two planning conditions (should permission be granted) relating to asset protection, drainage and the management and maintenance for any sustainable drainage.

Non-Statutory Consultees

IX WIRELESS LTD

- 6.69 In their response dated 13th April 2022, IX Wireless Ltd confirmed their intentions to install telecommunication apparatus within certain locations within the study area.

Second Round of Consultation

- 6.70 On the 15th September 2022, the Local Planning Authority (LPA) gave notice to statutory consultees under Regulation 25 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017, that further information and evidence respecting the Environmental Statement had been submitted to the LPA by the applicant. The submission of further information was also advertised in the Garstang Courier and Blackpool Gazette on the 21st September 2022.
- 6.71 The further information comprised of: updated Construction Management Environmental Plan; Updated Environmental Statement; Responses to the Environment Agency comments on the ES; Phase 1 Environmental Statement Addendum; and updated Report to Inform Habitats Regulations Assessment.
- 6.72 The responses that were received during this second round of consultation are set out below:

Statutory Consultees

ENVIRONMENT AGENCY

- 6.73 The Environment Agency (EA) responded on 21st October 2022 confirming that they were now satisfied that their previous concerns have been addressed regarding the groyne element of the proposed scheme, but still considered that there are still information gaps in the applicant's assessment of the sand extraction that require clarification before the application can be determined.
- 6.74 In particular, the consultation response states that "the Environmental Statement (ES) for Phase 2 covers the new rock groynes and beach recycling/recharge/sand extraction activity, however the beach recycling is reportedly not part of the planning application. Confirmation on this aspect is therefore required. If beach recycling is not part of this planning application, it should be confirmed under what process it will be licenced/permitted (such as Marine Licencing)".
- 6.75 In relation to the groynes element of the proposed scheme, the EA confirm in their consultation response that they concur with the conclusions in Chapter 9 of the ES on the following matters:
- "changes in coastal processes (waves and tidal flows) due to the introduction of new structures and removal of timber groynes.
 - effects on the wider sediment regime and coastal geomorphology due to the introduction of new structures and removal of timber groynes, including influence on intertidal bars and intervening channels (also referred to as tidal pools and lagoons), and changes in sediment delivery to the dune system".

- 6.76 The EA acknowledge that "whilst there may be a reduced alongshore littoral feed of sediment, the ES identified that offshore sand flats will remain a key sediment supply for dune habitat retention, and whilst the ES also identifies a potential change to dunes east of Marine Lake and Marine Gardens (excluding effects of possible future sand extraction), it considered this impact to be moderate but not adverse in terms of associated receptors (habitats/species/SAC)". The consultation response confirms the EA's position that in terms of potential impacts on the SAC that they would defer to Natural England's judgement on this.
- 6.77 The response confirms the EA's stance that "any proposed beach recharge/sand extraction needs to be supported by: o an assessment of options/alternatives (to the sand extraction site proposed at the RNLI). An assessment of the condition of the dunes likely to be impacted by sand extraction." The EA note that this assessment work should be combined with beach / dune historical trend analysis and the potential impact of the removal on the sediment budget and the dunes.
- 6.78 In their response, the EA also note that the applicant should include within their assessment how the cyclical patterns of change to the beach and the beach being 'in recovery', might impact on the stability and extent of dunes and overall habitat (and associated ecology) in this area.
- 6.79 The EA also confirm their view that when considering the potential need for beach recharge in the future, and potential for combined impacts on the dunes from groynes and sand extraction, they would support the need for continued and targeted monitoring of beach and dunes.
- 6.80 The EA's consultation response records an observation that access and recreational disturbance could be improved/managed around the sand dunes north of Fleetwood to benefit dune habitat as part of the scheme's Biodiversity Net Gain.

NATURAL ENGLAND

- 6.81 Natural England responded to this second round of consultation on 26th October 2022 confirming that they require further information in order to determine the significance of potential effects on designated sites and the scope for mitigation. The following information is required: "An updated Habitat Regulations Assessment which includes further work in regards to the in-combination assessment, Embryonic Shifting Dunes and the impacts via beach recycling".
- 6.82 Natural England reviewed the updated Report to Inform Habitats Regulation Assessment (August 2022) and note that the HRA has not been produced by the LPA but by the applicant. The response adds that Wyre Council, as the competent authority, have responsibility to produce the HRA and be accountable for its conclusions. Natural England confirm that they provide the advice on the assumption that Wyre Council intends to adopt the submitted HRA to fulfil their duty as competent authority.
- 6.83 The consultation response acknowledges the Appropriate Assessment previously undertaken by GMEU and notes the conclusions that the proposed scheme "will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, it is the advice of Natural England that it is not possible to ascertain that the proposal will not result in adverse effects on the integrity of the sites in question".

- 6.84 Natural England advises in their response that the assessment does not currently provide enough information and/or certainty to justify the assessment conclusion and the LPA should not grant planning permission at this stage.
- 6.85 In their consultation response, Natural England acknowledge the updated HRA (August 2022) addresses the majority of concerns raised in their previous response to consultation "in regard to the assessment of likely significant effect, appropriate assessment, habitat loss, qualifying bird species, great crested newts and biogenic reefs. We advise we concur with the conclusions of the HRA for the above qualifying features". However, the response advises that "further work is still required in regards to the in-combination assessment, embryonic shifting dunes and the impacts via beach recycling. This work is required to ensure the assessment is sufficiently rigorous and robust".

In combination Assessment

- 6.86 Natural England acknowledges that the assessment does not rule out likely significant effects via in-combination impacts in relation to several impact pathways from the Development of Environmental Community Owned Coastal Buffer Strips Project at Jubilee Quay and the Fleetwood and Copse Flood Risk Management Scheme. However, Natural England advises that in order "to meet the sequential tests of Habitats Regulations, the HRA should draw clear conclusions at each stage, if there is any uncertainty, then the assessment should proceed to the next stage of the Habitat Regulations process. The HRA does not currently meet the sequential tests, as the assessment concludes it is uncertain, and these in-combination effects are not assessed within the appropriate assessment stage".
- 6.87 Natural England questions whether the above mentioned projects are relevant projects to be included within the in-combination assessment, as the details of the projects are unknown at this stage.

Habitat loss from beach recycling on Embryonic Shifting Dunes

- 6.88 Natural England acknowledge that the updated HRA (August 2022) now includes a detailed assessment of habitat loss in relation to sandflats and mudflats. However the consultation response notes that although "the assessment concludes likely significant effects during beach recycling to embryonic shifting dunes, these impacts are not fully assessed within the appropriate assessment. We advise further assessment is required on the direct and indirect impacts the beach recycling works will have on the embryonic shifting dunes and the wider dune system".
- 6.89 The consultation response requested evidence be provided to "demonstrate that the beach recycling works will not cause any draw down of sediment from the sand dunes higher up the beach and whether the reduction in sediment supply would impact the stability of the sand dunes further north".
- 6.90 In their consultation response, Natural England note that the updated HRA (August 2022) states that there is a 'high likelihood of new embryonic shifting dunes habitat forming'. However, Natural England advise in their response that this should be elaborated on within the HRA and add that a monitoring plan of the dune extent should be put in place after construction to ensure new habitat forms. Natural England would also request information of what action will be taken to address the loss of habitat if this is not the case.

Beach Recycling Extraction Area

- 6.91 Natural England note that the beach recycling works will take place in the area adjacent to Fleetwood Royal National Lifeboat Institution (RNLI) station which falls within Morecambe Bay SAC. Natural England also advise further information is required to support the conclusions of no adverse impacts from the activity taking place at this location, which is detailed in their response.
- 6.92 Finally, Natural England acknowledge that the HRA (August 2022) states that alternative sites for the beach recycling works were considered. However, to aid the assessment Natural England request further information to allow them to understand which alternative sites were reviewed and why these were excluded.

Mitigation

- 6.93 In their response, Natural England confirm that they welcome the inclusion of information boards to raise awareness of ecological sensitivities, however, they "advise it would be useful to have clarity that the boards will remain in place for the lifetime of the proposal. There would be a long term benefit for the designated sites if these could be left in place for public engagement purposes to explain the sensitivities of the designated sites".
- 6.94 Natural England further advise that as the proposed scheme includes activities within the designated sites, during the construction and operational phase, the applicant should consider a Vehicle Management Plan that details what measures will be put in place to minimise the impact of vehicles within the designated site during the construction of the groynes and beach recycling work.

Wyre Estuary SSSI

- 6.95 In their response, Natural England confirm that their concerns regarding the potential impacts of the proposed scheme on the Wyre Estuary SSSI coincide with their concerns regarding the potential impacts upon the above international designated sites.

Biodiversity Net Gain (BNG)

- 6.96 Natural England acknowledge that the ES (August 2022) includes the management of the invasive non-native species Japanese Rose in relation to BNG and advise that the applicant should review the outputs from the wider Dynamic Dunescapes project in relation to the best method to manage the Rosa Regosa.
- 6.97 Finally, the response raises the potential to consider the existing 'unmanaged pathways through the dunes' noting the potential "to explore issues related to recreational disturbance and access through the scheme to enhance the BNG offer".

WYRE BC HEAD OF ENGINEERING SERVICES (DRAINAGE)

- 6.98 In a response dated 26th October 2022, Wyre Council's Engineering Services again confirmed no objection to the proposed scheme. The response confirms that the application site lies within Flood Zone 3 (high probability of flooding) and the proposed scheme is classed as 'water compatible' development, as defined in Annex 3: Flood Risk Vulnerability Classification of the National Planning Policy Framework.

LANCASHIRE COUNTY COUNCIL - LEAD LOCAL FLOOD AUTHORITY

- 6.99 In their response dated 4th October 2022 the LLFA confirmed that they have no further comments to make on the application following their response (dated 29th April 2022) to the first round of consultation.

LANCASHIRE COUNTY COUNCIL - HIGHWAYS

- 6.100 In their response (dated 14th November 2022) the Local Highways Authority confirmed that they had no objections and that the amended information does not impact on their views on the application and suggested planning conditions in their previous response (dated 14th June 2022).

WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (ENVIRONMENTAL PROTECTION - AMENITY AND LAND CONTAMINATION)

- 6.101 In their response (19th September 2022) to this second round of consultation, Wyre Council's Environmental Protection team confirmed that they had no objection to the proposed scheme but added that the following planning informative is recommend should planning permission be granted whilst comment from Environment Agency will also need to be sought as well on the issue of groundwater contamination if this has not been done already:

- The presence of any significant contamination, which becomes evident during the development of the site, shall be brought to the attention of the Local Planning Authority".

WYRE BC HEAD OF PUBLIC REALM AND ENVIRONMENTAL SUSTAINABILITY (TREE AND WOODLAND OFFICER)

- 6.102 In their response, Wyre Council's Tree Officer confirmed that there were no changes to the comments provided during the first round of consultation in April 2022 as there are no arboricultural implications from the proposed scheme.

WYRE COUNCIL - PLANNING CONSERVATION OFFICER

First Response to Consultation

- 6.103 In their first response, the Council's Planning Conservation Officer confirmed that they agreed with the findings of the updated Environmental Statement (August 2022) and the Addendum to the Environmental Statement (August 2022) in terms of the potential impacts of the proposed scheme upon heritage assets. The Officer also confirms agreement with the overall conclusion from the applicant that the proposed scheme would have 'slight to moderate beneficial' outcomes for heritage assets within the defined study area. The officer notes that the proposed scheme "would therefore be in conformity with S.66(1) and S.72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, section 16 of the National Planning Policy Framework and Policy CDMP5 of the Wyre Local Plan 2011 - 2031" and considers the proposed scheme to be acceptable.

Second Response to Consultation

- 6.104 The Planning Conservation Officer responded for a second time to confirm no further comments from those previously submitted (above).

LANCASHIRE COUNTY COUNCIL - ARCHAEOLOGY

6.105 In a response dated 22nd September 2022, Lancashire County Council's Historic Environment Team confirmed that they did not consider that the impact on cultural heritage has changed significantly and thus their previous comments (letter dated 27th May 2022) are still appropriate.

BLACKPOOL COUNCIL

6.106 Blackpool Council responded to this consultation on the 14th October 2022 confirming "no particular planning comments" but noting that the Council's "highways officer has advised that potential wear and tear to the roads is the only concern".

6.107 The response notes that Blackpool Council would request conditions to secure dilapidation surveys and remedial work to cover the roads in Blackpool, namely Kelso Avenue and Anchorsholme Lane West.

MARINE MANAGEMENT ORGANISATION

6.108 The Marine Management Organisation (MMO) responded to this consultation advising that "any works within the Marine area require a licence from the Marine Management Organisation. It is down to the applicant themselves to take the necessary steps to ascertain whether their works will fall below the Mean High Water Springs mark".

Third Round of Consultation

6.109 Following receipt of the further environmental information (relating to an Environmental Statement), Wyre Council re-consulted consultees on the 13th January 2023 and also re-consulted neighbours on the 16th January 2023. In accordance with the EIA Regulations 2017, press notices went out in local newspapers on the 18th and 25th January 2023.

6.110 The further information comprised of:

- Archaeological Written Scheme of Investigation (June 2022);
- Updated Drawings comprising of
- Site Location Plan and Working Areas - Drawing No. WBMS/PH2/PL/01 - Rev A;
- Works Traffic Routes and Access Points - Drawing No. WBMS/PH2/PL/02 - Rev A;
- Jubilee Gardens Site Compound Details - Drawing No. WBMS/PL/03 - Rev A;
- Environmental Statement Addendum (January 2023) (including updated HRA & 'Responses to the Environment Agency comments' sheet).

6.111 The responses that were received during this second round of consultation are set out below:

Statutory Consultees

ENVIRONMENT AGENCY

6.112 The Environment Agency (EA) responded on 2nd February 2023 confirming their position that they are satisfied with the applicant's conclusion in the submitted 'Responses to the Environment Agency comments on the ES' (dated 30 November 2022) technical note' that, "the changes observed between the Lower Lighthouse and the RNLI Fleetwood are likely to be a combination of factors", and these include removal and recovery of the beach due to sediment extraction, plus

recreational disturbance but also natural variability associated with the River Wyre channel position and winter storm events.

- 6.113 In their consultation response, the EA acknowledge that the applicant's agent "identified that in 2015 there were localised changes/impacts likely to be associated with the sand abstraction, and from monitoring data illustrated that some recovery occurred over a number of years".
- 6.114 The EA advise that due to the likelihood that there is to be a repeat of this impact following any further abstractions, they would "support the inclusion of dune improvement/management work to improve the stability, extent and overall dune habitat (and associated ecology) in this area as part of the planning application (and Marine Management Organisation license if appropriate)".
- 6.115 The EA also stated that they would "support the suggestion, as part of future extractions, that the work included reprofiling the beach to reduce the risk of draw down". The EA advise that in terms of impacts on the SAC, they would defer to Natural England's judgement on this.

NATURAL ENGLAND

- 6.116 Natural England responded to this third round of consultation on the 17th February 2023 and confirmed that they had no objection to the proposed scheme, subject to appropriate mitigation measures being secured. In their response they confirmed that:
- "without appropriate mitigation the application would have an adverse effect on:
- Morecambe Bay and Duddon Estuary Special Protection Area (SPA)
 - Morecambe Bay Special Area of Conservation (SAC)
 - Morecambe Bay Ramsar
 - Liverpool Bay SPA
 - Shell Flat and Lune Deep SAC
 - Wyre-Lune Marine Conservation Zone (MCZ)
 - Wyre Estuary Site of Scientific Interest (SSSI)"
- 6.117 In order to mitigate these potential adverse effects and make the proposed scheme acceptable, Natural England advise that mitigation measures be secured by appropriate planning conditions or obligations to any planning permission.
- 6.118 Natural England notes in their response that an appropriate assessment of the proposed scheme has been undertaken, in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). The response makes reference to the previous consultation responses submitted by Natural England whereby they "requested further information to ensure the assessment considered all potential impact pathways from the proposal, and contained enough evidence to demonstrate the proposal would have no adverse impacts on the above designated sites". In this consultation response Natural England advises that they now concur with the assessment conclusions.
- 6.119 Natural England note that in their previous consultation responses they advised the in-combination assessment required further work to meet the requirements of the HRA. In this response they acknowledge the HRA now only assesses relevant plans or projects, and confirm that they concur with the in-combination assessment conclusions.
- 6.120 In their consultation response, they advised "that having considered the assessment, and the measures proposed to mitigate for all identified adverse

effects that could potentially occur as a result of the proposal, Natural England advises that we have no objection to this proposal, providing that all mitigation measures are appropriately secured in any planning permission given".

6.121 Natural England advise that a number of measures should be secured by appropriately worded planning conditions to mitigate impacts on the above designated sites:

Direct and/or indirect habitat loss or change to embryonic shifting dunes

- The implementation of a beach monitoring plan, to monitor the dune extent following the construction of the proposed scheme.
- If beach recycling works are required, then following future extractions the beach will be reprofiled to reduce the risk of draw down.

Potential for direct loss / damage to Sabellaria reefs

- The presence of an Ecological Clerk of Works (ECoW) during the preparatory works, construction works and site demobilisation works within Morecambe Bay SAC and known areas of Sabellaria reefs.
- The restriction of the beach recycling area to the previously licensed extraction area, to ensure there is no impact from the beach recycling works to the nearby Sabellaria reef habitat.

Direct habitat loss / damage to intertidal habitats which qualifying foraging and roosting birds rely including breeding ringed plover

- The requirement of an ECoW to check for the presence of qualifying bird species associated with the above designated sites before any works within that location take place.

Disturbance and/or displacement of qualifying bird species via increased light, noise, movement

- The implementation of a Construction Environmental Management Plan (CEMP) and Environmental Action Plan (EAP) which includes appropriate noise control measures
- The erection of appropriate screening where required during the construction phase to reduce noise and visual disturbance impacts.
- The implementation of a sensitive lighting strategy to restrict the possibility of light pollution during the construction phase.

Accidental pollution (water) of qualifying habitats and habitats

- The implementation of CEMP and EAP which includes appropriate pollution control measures

Other mitigation

- The provision of details and working methodology of the proposal to ensure the construction phase works will not impact the above designated sites.
- The erection of information boards, to be installed during the construction and operational phases of the scheme which highlight the ecological sensitivities of the coastal frontage and designated sites.

- The implementation of a Construction Traffic Management Plan which should include details to restrict vehicle movements to defined access routes.
- The implementation of biosecurity measures and an action plan to avoid the spread of invasive species or contamination of the site. This is required to reduce impacts on the habitat within the above designated sites via invasive species.

Wyre Estuary SSSI

6.122 In their consultation response Natural England advised that their concerns regarding the potential impacts upon the Wyre Estuary SSSI coincide with their concerns regarding the potential impacts upon the international designated sites, therefore they are content that providing the application is undertaken in strict accordance with the details submitted and providing the above conditions are secured, then the proposed scheme is not likely to damage the interest features for which the SSSI have been notified.

GREATER MANCHESTER ECOLOGY UNIT (GMEU)

- 6.123 In their final consultation response (dated 8th March 2023) 2023, GMEU confirmed that they have no objections to the proposed scheme on ecology grounds.
- 6.124 The consultation response makes reference to Natural England's response (dated 17th February 2023) where they stated they are now satisfied with the conclusions of the revised HRA that the works could proceed without causing harm to important designated sites, providing that comprehensive mitigation measures are implemented, including long-term monitoring. The consultation response also confirms acknowledgment that Natural England's required detailed mitigation measures are set out in their latest response.
- 6.125 GMEU confirm in their response that they have no reason to disagree with these recommendations, and would defer to Natural England's expertise in such matters. Therefore, based on this information, they would raise no objections to the proposed scheme.
- 6.126 The consultation response notes that some of GMEU's "original, additional recommendations have now been addressed, either through the revised HRA process or by additions and amendments to other documentation. However, some recommendations remain relevant - to re-iterate these:
- Long-term management plans for re-created and enhanced habitats should be required by Condition.
 - To avoid harm to reptiles and amphibians, any habitat clearance required to facilitate the works should be undertaken under the supervision of a suitably qualified ecologist (the Ecological Clerk of Works).
 - A Method Statement must be required to be prepared giving details of the measures to be taken to control the spread of invasive plant species".

WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (ENVIRONMENTAL PROTECTION - AMENITY AND LAND CONTAMINATION)

6.127 In their final response to consultation (dated 8th March 2023), Wyre Council's EHO notes that conditions have now been agreed that they consider will sufficiently address the noise arising from construction activities for this proposed development. The response notes that the EHO's previous concerns regarding the submitted CEMP have been addressed and following extensive discussions,

the amended CEMP has been sufficiently changed and updated to reflect their previous comments.

- 6.128 As such, the EHO confirms in their response that they have no objections to this application as the necessary conditions to protect the environmental health amenity has been agreed.

LANCASHIRE COUNTY COUNCIL - LEAD LOCAL FLOOD AUTHORITY

- 6.129 In their response dated 2nd February 2023, the LLFA confirmed they have no objection to the updated proposals and information.

WYRE BC HEAD OF PUBLIC REALM AND ENVIRONMENTAL SUSTAINABILITY
(TREE AND WOODLAND OFFICER)

- 6.130 In their response to this third round of consultation, Wyre Council's Tree Officer confirmed that there are no changes to comments provided previously as there is no predicted arboricultural implications from the proposed scheme.

WYRE BC HEAD OF ENGINEERING SERVICES (DRAINAGE)

- 6.131 Wyre Council's engineering services team responded on the 3rd January 2023 confirming their previous comments that the application site lies within Flood Zone 3 (high probability of flooding), and that both the submitted FRA and emergency/ evacuation plan assessments meet their requirements.

LANCASHIRE COUNTY COUNCIL - HISTORIC ENVIRONMENT TEAM
(ARCHAEOLOGY)

- 6.132 In their response dated 26th January 2023, Lancashire County Council's Historic Environment Team confirmed that they are happy with the general wording of the Archaeological Written Scheme of Investigation (WSI) (June 2022). This document could be accepted as an answer to the WSI required in the draft planning condition recommended in the County Council's consultation response dated 27th May 2022. The team advise in their response that the previously suggested planning condition could be omitted in favour of one requiring the implementation of the submitted WSI.

- 6.133 The consultation response also recommends that the following further details be established and agreed prior to the development commencing:

- "(i) How the archaeological exclusion zones (WSI 6.5) will be established and policed; and
- (ii) What steps will be taken to ensure that unexpected remains (WSI 6.4) will be identified during the works and an archaeological response triggered. It is suggested that this includes (a) toolbox talks during site inductions to appropriate site managers, staff and sub-contractors; and (b) the provision of a laminated quick-reference sheet for workers with brief notes and appropriate contact telephone numbers. A contingency agreement should be in place with the selected archaeological contractor(s) to allow for the deployment of an appropriate response team should it prove necessary".

LANCASHIRE COUNTY COUNCIL - HIGHWAYS

- 6.134 Lancashire County Council Highways and Transport responded to this third round of consultation on the 15th February 2023 acknowledging that further information had been submitted in respect of this application. In their response they confirm that there are no highway objections and the conditions suggested in their consultation response dated 14th June 2022 are still valid.

BLACKPOOL COUNCIL

- 6.135 Blackpool Council responded on the 26th January 2023 advising that they have no further comments to make but would again request conditions to secure dilapidation surveys and remedial work as required to Kelso Avenue and Anchorsholme Lane West.

WYRE COUNCIL - PLANNING CONSERVATION OFFICER

- 6.136 The Council's Conservation Officer confirmed that they have no further comments to make to those already submitted.

7.0 REPRESENTATIONS

- 7.1 At the time of compiling this report numerous letters of objections and letters of support have been received in relation to the application. A summary of the key material considerations are set out below:

Highways, Traffic and Parking

- Issues with heavy construction traffic and related congestion;
- Complaints over existing routes blocked off and temporary traffic light arrangements already to accommodate construction works;
- this is the 3rd or 4th time this year it has been blocked off for 1 reason or another, at the same time we've had temporary light at the bottom of Carr gate and you've got us blocked off at the top
- The proposed route for construction vehicles is on streets with congested parking in the heaviest used traffic areas in Fleetwood;
- Concerns over the potential impacts resulting from the route of the construction vehicles between the areas of work and compounds including air pollution and noise disruption on a number of receptors, including residential properties and Care Homes, a nursery, tourist areas, and businesses (e.g. Olympia Amusement Arcade);
- Damage may be caused to the highway surfaces, which are reported to be in poor condition in places already, due to the vibration from Heavy Goods Vehicles (HGVs) passing frequently;
- Congestion will be created at the turning point for the HGVs into the proposed satellite site compound on Princes Way where the traffic has to cross the carriageway; and
- Congestion along Carr Gate and Rossall Road due to existing traffic calming measures will be worsened by the use of Jubilee Gardens as a storage area.

Public Safety

- The proposed route for construction vehicles presents an unnecessary safety hazard;
- The frequent HGV traffic along the proposed route will cause additional disruption and congestion on already busy roads which are frequently parked along, will create a safety hazard;
- Route of proposed construction vehicles could conflict with routes for busses and trams;

- Concerns about the long-term safety of property structures which may be damaged by the frequent low amplitude ground vibration from the HGVs passing to deliver rocks, and the greater amplitude of shocks if rocks are not unloaded carefully but instead are tipped from the trucks;
- Concerns over vibration impacts from construction vehicles and potential impacts on residential properties; and
- Repurposing the Princes Way site into a compound, which currently includes car parking, will make parking for the remaining attractions in the area unsafe as visitors will park on the road instead.

Accessibility and Public Transport

- HGVs can cause damage to tram tracks if they cross at angles other than 90 degrees, which is what the current proposed route requires;
- The increased traffic along main town routes will decrease the efficiency of public transport due to increased congestion; and
- Use of Princes way compound would result in a loss of wheelchair-friendly pathway and recreational space along the promenade, including disruption of the "Wellbeing Way".

Residential Amenity

- Loss of amenity land and greenspace around the proposed satellite site compound on Princes Way, which is presently used frequently for sport and recreational activities by local residents and visitors to the area;
- To lose this amenity land (which forms part of the Council led 'wellbeing way' initiative) would be detrimental to the social health and wellbeing of users;
- There is a lack of existing nearby greenspace, which could be an alternative for the lost amenity caused by the Princes Way compound, whereas the proposed compound could be situated elsewhere;
- The proposed satellite site compound at Princes Way will be situated very close to existing residential properties, presenting amenity concerns over noise and air pollution from dust and construction traffic;
- Noise disruption will be caused by a 24 hour diesel generator to power floodlights;
- Noise from existing generators is an issue;
- Construction traffic travelling to and from the compound at Jubilee gardens will reduce amenity of nearby properties, in particular their gardens, due to dust and noise pollution;
- The proposed duration of the construction phase will last 3/4 years, with the associated predicted noise impacts will affect the physical and mental health of all the residents, many of whom are elderly;
- Close proximity of the Princes Way site to properties raises concern about unsafe ground vibration levels in breach of BS7385 limits;
- Loss of amenity from use of the promenade due to the storage compound at Jubilee Gardens and related traffic congestion;
- The Council's EHO has criticised the submitted CEMP for including working hours and projected noise levels at an unacceptable level

Visual Amenity

- Loss of visual amenity of the green and open space due to the site compound on Princes Way; and
- Concerns with proposed hoarding for screening around the perimeter of the proposed satellite site compound and associated infrastructure.

Issues of Need (objection)

- Residents have commonly experienced surface water flooding from heavy rains and consider upgrading drainage to combat a more pressing issue; and
- Some Residents have not experienced sea flooding in the time they had lived there (over 3 decades).

Issues of Need (support)

- The need for the defence project was noted and its design applauded by many respondents who support the area being protected from flood events.

Ecology and the Natural Environment

- The plan states that impact on birds will be reduced through redirection of footpaths for dog walkers moving to nearby fields, however the fields are also home to nesting birds (e.g. herons and skylarks) and other wildlife (e.g. hares); and
- The Princes Way site is situated close to Rossall Point Coastguard Tower which has a birdwatching facility due to the wide range of birds known to use the area, whilst other potential sites for the compound have a lesser need for bird preservation.

Local Economy

- Creating the compound on the Princes Road greenspace area will damage the quality of the area which will decrease the value of the area to visitors which supports the local economy;
- By creating an "eye sore" with this proposal, this will be detrimental to Fleetwood as an attraction and town as a whole; and
- Local businesses (e.g. the Venue) have been impacted by the construction of the Phase 1 works which, including highways disruption, access issues impact on local visual amenity

Site Compounds

- A restrictive covenant has been placed on a segment of land to the north of Princes Way which overlaps the Princes Way satellite compound site preventing "noxious or offensive" business activities which may become "a source of ... annoyance" to neighbours;
- Other locations for the Princes Way satellite compound, which is presently due to be situated on the Beach Road car park, were suggested by a number of responses as they are considered to be less well used, and would reduce amenity loss. The suggested alternatives were the Sunken Car Park and Central Car Park;
- Consideration must be given to using commercial land, for example the ABP disused site on Dock Street for storage and management as a satellite compound;
- A more suitable site would be the former Gravel Pit, beyond the Marine Lake, entranced at the promenade end of Dronsfield Road, currently used as a car park, and is well away from residential properties;
- As an alternative location for the site compounds, there is a sunken car park down the coast, towards the pitch and putt site which has direct access to the beach. This would enable noise, air and visual pollution to be mitigated without any direct impacts on the workers.

8.0 CONTACTS WITH APPLICANT/AGENT

- 8.1 During the course of the application there has been various contact with both the Applicant and Agent.

8.2 As listed in section 3.0 of this Committee Report, further information has been provided by the Applicant, which was discussed with both the Local Planning Authority and Marine Management Organisation (MMO) prior to submission.

8.3 An extension of time has been agreed to the 30th April 2023.

9.0 PLANNING ISSUES

9.1 The main issues to be considered in the determination of this application are:

- Principle of Development;
- Loss of Green Space;
- Flood Risk and Drainage;
- Climate Change;
- Highway Safety & Access;
- Potential Impacts on Residential Amenity and Nearby Premises;
- Biodiversity and Ecology;
- Visual Impact / Design / Impact on street scene;
- Cultural Heritage and Archaeology; and
- Other Issues.

9.2 Planning law (Section 38(6) of the Planning and Compulsory Purchase Act 2004) requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

Principle of Development

9.3 The NPPF is committed to delivering sustainable development, in accordance with three overarching objectives: an economic objective; a social objective; and an environmental objective. Section 14 of the NPPF also considers the aims of meeting the challenge of climate change, flooding and coastal change.

9.4 Policy SP1 of the Wyre Local Plan outlines the development strategy for Wyre, providing a steer for where the majority of development should be directed. The policy also seeks to direct new development to within existing settlements, as defined by settlement boundaries. The policy also states the importance of environmental protection and enhancement.

9.5 Policy SP2 of the Local Plan states that "all development should contribute positively to the overall physical, social, environmental and economic character of the area in which the development is located". Part 2 of Policy SP2 states that "all development in Wyre should be sustainable and contribute to the continuation or creation of sustainable communities in terms of its location and accessibility".

9.6 Criterion 3 of Policy SP2 states that "where there is any conflict between environmental, economic and social objectives, development proposals will be required in the first instance to seek to incorporate solutions where all objectives can be met".

9.7 Criterion 4 of Policy SP2 states that in order to deliver sustainable communities, proposals should reduce and manage flood risk.

9.8 Criterion 5 of Policy SP2 states that "Development proposals must not compromise the Borough's ability to improve the health and well-being of local residents".

- 9.9 Finally Criterion 6 of Policy SP2 states that "Development proposals must demonstrate how they respond to the challenge of climate change through appropriate design and by making best use of resources and assets, including the incorporation of water and energy efficiency measures through construction and operational phases and the reuse and recycling in construction both in the selection of materials and management of residual waste".
- 9.10 Policy SP7 of the Local Plan states that "1. the Council will support infrastructure related development subject to other policies in the Local Plan. 2. The Council will work with infrastructure providers, neighbouring authorities and stakeholders to ensure that development is supported by appropriate utility, transport, social, community and environmental infrastructure delivered in a timely and sustainable manner. 3. Development should be located so as to make the best use of existing infrastructure"..
- 9.11 Policy CDMP4 of the Local Plan states that: "1. Development proposals should, where possible: a) Provide enhancements in relation to the environmental assets in this policy; and b) Seek to minimise or eliminate net environmental impact
- 9.12 The submitted Design and Access Statement / Planning Statement (including Statement of Community Involvement) (April 2022) explains the applicant's needs case for the Proposed Scheme. The Statement notes that the "Scheme's principal objective is to reduce coastal erosion and flood risk to people, property and infrastructure in Wyre and provide resilience/adaptive measures to climate change". The Statement also adds that the "Scheme will reduce coastal erosion and flood risk and will help Wyre (and its tourist economy) to be more resilient, without exacerbating coastal erosion or flood risk along adjacent areas of the coast".
- 9.13 The application was also supported by an Outline Business Case (Executive Summary only) (January 2020) report, which states that "the key benefits of the beach and dune management scheme are expected to be:
- Reduced flood risk to 11,056 properties and critical infrastructure in the Wyre Council core urban area.
 - Improved overtopping performance, reduced risk of undermining and extended design life of existing coastal defences.
 - Efficiency savings through delivery via the established Fylde Peninsula Coastal Programme team.
 - Whole life benefits of approximately £434 million".
- 9.14 During consultation the Environment Agency confirm that the Wyre Beach and Dune Management Outline Business Case (Wyre Council, January 2020) has been approved by the Environment Agency Large Project Review Group and that the proposed scheme forms part of this larger proposal.
- 9.15 A number of consultation responses from local residents questioned the need of the Proposed Scheme stating that they have not experienced sea flooding and suggest upgrading the existing drainage systems as an alternative. However, the need for the Proposed Scheme was also noted from some respondents and its design supported by those who want to see the area being protected from flood events.
- 9.16 Some responses from local residents and businesses raised issues surrounding the local economy and possible negative implications resulting from the construction phase of the Proposed Scheme and compounds. Some responses

added that creating the compound on the Princes Road greenspace area will damage the quality of the area which will decrease the value of the area to visitors which supports the local economy, whilst others raised issues that local businesses (e.g. the Venue) have already been impacted by the construction of the Phase 1 works which, including highways disruption, access issues impact on local visual amenity.

- 9.17 The application seeks full planning permission for the construction of a coastal defence beach management scheme incorporating a revetment system and beach control structure along Wyre's coast, erection of a temporary compound to be constructed at Jubilee Gardens and open space opposite the sea cadet base in Fleetwood. As explained in section 2.0 of this committee report, the application site comprises of five separate red line boundaries, which are all located within and along the edge of the settlements of Fleetwood and Cleveleys, and therefore complies with Policy SP1 of the Local Plan.
- 9.18 As discussed within the applicant's Design and Access Statement / Planning Statement (including Statement of Community Involvement) (April 2022) "over 11,000 properties, critical infrastructure, businesses and recreation/ amenity facilities are at risk of tidal inundation within the low-lying hinterland should a breach in the existing defences occur". The Statement (April 2022) maintains that the Proposed Scheme will provide a solution which will "reduce beach level volatility and the risk of undermining and breach of existing defences whilst maintaining a 0.5% standard of protection (overtopping) along the frontage over the next 50 years, taking account of current projections of future climate change (e.g. sea level rise and increased storminess)".
- 9.19 Criterion 4 of Policy SP2 states that all development should be sustainable and that in order to deliver sustainable communities, planning policies and proposals should reduce and manage flood risk. Furthermore Policy SP2 requires that new development should demonstrate how it will respond to the challenges of climate change.
- 9.20 The application is supported by a Flood Risk Assessment (FRA) (October 2021), which forms part of the submitted Environmental Statement. The FRA identifies that "the seaward side of the coastal defence lies within Flood Zone 3b (Figure 1-1). Most of the residential properties within the study area currently are in Flood Zone 2, indicating a medium probability (between 1 in 200 and 1 in 1000 annual chance of coastal flooding). There are small areas of residential properties within Flood Zone 3, indicating high risk (greater than 1 in 200 annual chance of flooding) with the risk of flooding originating from the Wyre estuary. These properties are benefitting from defences on the Wyre Estuary.
- 9.21 The Submitted FRA (October 2021) states that the Proposed Scheme will extend the serviceable life of the existing shore-parallel defences, provide sustainable long-term coastal flood risk management that can be adapted to climate change and will reduce the risk of flooding to existing residential properties. The Planning Statement (April 2022) also confirms that the Proposed Scheme has been designed to increase the standard of flood protection taking into account the predicted future effects of climate change.
- 9.22 The FRA (October 2021) concludes that the Proposed Scheme will reduce the risk of coastal flooding to the hinterland with no increased flood risk to third parties and with no increased risk of flooding from other sources, during either construction or operation.

- 9.23 Due to the sustainable nature and aims of the coastal defence beach management scheme, it complies with the aims of Policy SP2 of the Local Plan.
- 9.24 On balance, the Proposed Scheme is considered to be acceptable in accordance with: Policy SP1; SP2; SP7; and CDMP4 of the Local Plan; the sustainable development aims and aims of meeting the challenge of climate change, flooding and coastal change as set out in the NPPF.

Loss of Green Space

- 9.25 As illustrated on the Adopted Wyre Local Plan Policies Map the extent of the Proposed Scheme at both Cleveleys and Fleetwood is situated on land allocated as Green Infrastructure and subject to Policy CDMP4 of the Local Plan.
- 9.26 Policy CDMP4 of the Local Plan states that:
1. Development proposals should, where possible:
 - a) Provide enhancements in relation to the environmental assets in this policy; and
 - b) Seek to minimise or eliminate net environmental impact.
 2. Development will be required to be accompanied by proposals to mitigate the overall environmental impact and maximise further opportunities to improve the environmental outcomes. Where mitigation measures are not considered adequate, appropriate on or off site compensation measures will be sought to off set the environmental impact of the development.
 3. Development will be permitted where, following implementation of any required mitigation, there is no unacceptable impact on environmental assets or interests, including, but not limited to, green infrastructure, habitats, species, soils, water quality and resources and trees and hedgerows.
- 9.27 The Policy covers the Council's position on green infrastructure and states that Development proposals will be expected to protect and enhance the functionality and interconnectivity of Green Infrastructure as a whole.
- 9.28 Where appropriate development must be designed to make a positive contribution to Wyre's Green Infrastructure through:
- a) Inclusion of multi-functional landscaped public open space in the development
 - b) Retention and enhancement of existing ecological and landscape features on the site
 - c) Incorporation of features in the built fabric that support and enhance key local species.
- 9.29 Criterion 7 of Policy CDMP4 states that "development involving the partial or complete loss of land identified as Green Infrastructure on the adopted Policies Map or any unidentified areas including playing fields will not be permitted unless it is demonstrated that:
- a) A connected network of green spaces is maintained; and
 - b) The development can be accommodated without the loss of the function of the Green Infrastructure site; or
 - c) The site is surplus to requirements; and
 - d) The impact on the green infrastructure as a whole can be mitigated or compensated for through the direct provision of new or improved Green Infrastructure elsewhere of the same or improved functionality and accessibility, or through the provision of a financial contribution to enable this to occur; or

- e) The need for or benefits arising from the development demonstrably outweigh the harm caused, and the harm has been mitigated or compensated for so far as is reasonable".
- 9.30 Criterion 8 of Policy CDMP4 states that "all development that includes an element of Green Infrastructure will be required to secure the appropriate maintenance of the space in the long term".
- 9.31 The supporting text to Policy CDMP4 clarifies that these areas of Green infrastructure have multiple benefits and functions and can help reduce air pollution, and reduce and manage flood risk. It includes public open spaces, school playing fields, church grounds, cemeteries, outdoor sport grounds and sites of local/national/international ecological and geological interest. Any mitigation or compensation measures required under Policy CDMP4 must be evidence based.
- 9.32 A number of consultation responses have raised issues over the loss of amenity land and greenspace, in particular around the proposed compound locations.
- 9.33 The extent of the proposed works, including the site compounds and potential beach recycling source location are situated on land allocated as Green Infrastructure, as illustrated on the Wyre Local Plan Policies Map and protected by Policy CDMP4.
- 9.34 The locations of the proposed groynes and toe protection works at Rossall Point and Fleetwood North, alongside Cleveleys, Rossall South and Rossall Tank Traps all fall within the defined area for Green Infrastructure. Whilst the proposed works will alter the land to an extent by removing existing timber groynes and replacing them with new rock groynes alongside the provision of rock armour, it should be considered that access along the beach and promenade will still remain open with access ramps being embedded over every groyne.
- 9.35 The Proposed Scheme would encroach on land designated as Green Infrastructure, however it is important to consider this in the context of existing infrastructure along the beach and promenade, including existing timber groynes and the Rossall North Coast Defence Scheme. Therefore, the proposed new infrastructure would not undermine the existing Green Infrastructure, which would still remain as part of the coast with a similar use and visual appearance as existing. It is also important to note that the Proposed Scheme will not result in the change to access provision onto the beach upon completion of the works, with impacts only predicted during the construction phase. On balance, it is therefore considered that the proposed works satisfy the requirements of Policy CDMP4.
- 9.36 Concerns have been raised relating to the construction phase of these proposed works, which could potentially impact on designated Green Infrastructure. Consultation responses from local residents have expressed concerns with the proposed Jubilee Gardens site compound and the proposed satellite site compound at Rossall Point Car Park. Concerns have been focussed on the associated loss of amenity land and greenspace around the compounds, which are said to be used frequently for sport and recreational activities by local residents and visitors to the area. Local residents and businesses have suggested that alternative locations for these compounds be considered. These concerns were also echoed in responses received from Fleetwood Town Council and Fleetwood Civic Society.

- 9.37 The Main Site compound and Satellite Compound are to be located at Jubilee Gardens, and Rossall Point Car Park which fall upon land designated as Green Infrastructure land on the Local Plan Policies Map. During the construction phase of the Proposed Scheme, in terms of connectivity for non-motorised users (NMU's), the 'Wyre beach management scheme Phase 2 Construction Management Environmental Plan' (July 2022) clarifies:
- Jubilee Gardens - during working hours, access along the promenade fronting the Café Cove and immediately north of the construction access route to site will be closed. The east footpath will remain open for the public as agreed with Lancashire County Council. The closures and pedestrian management will be controlled by three banksmen.
 - Rossall Point - The pedestrian access on the Fleetwood (east) side of the compound will be closed to the public when in use by the construction team. A procedure will be in place for it to be checked and inspected prior to opening to the public.
- 9.38 The Design and Access Statement / Planning Statement (April 2022) confirms that a detailed construction programme has been developed to minimise disturbance and is proposed to be ceased during the bathing season at Cleveleys Beach, which runs from 1 May to 30 September. The Statement (April 2022) states that construction is expected to be carried out over a four-year period by the Contractor, starting in 2023 and completed in 2026.
- 9.39 Whilst Policy CDMP4 of the Local Plan looks to safeguard land identified as Green Infrastructure, it is important to note that the construction compounds are temporary uses during the construction phase of the development. There is no policy basis to insist on temporary replacement facilities. The loss of these areas of green space would be temporary to facilitate the Proposed Scheme, and therefore it is considered that the associated wider public benefits arising from the coastal defence beach management scheme mean the development is considered to significantly outweigh the temporary loss of access to these areas of Green Infrastructure.
- 9.40 On balance, the Proposed Scheme is therefore considered to be acceptable in accordance with: Policy CDMP4 of the Local Plan.

Flood Risk and Drainage

- 9.41 National planning advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, Local Planning Authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where it is informed by a site specific flood risk assessment.
- 9.42 Policy SP2 of the adopted Local Plan advocates sustainable development and states that in order to deliver sustainable communities the Local Plan includes policies and proposals which reduce and manage flood risk.
- 9.43 Policy CDMP2 of the Local Plan sets out the Council's stance in relation to flood risk and surface water management. In relation to flooding, the policy states that
1. Development is required to have regard to the most up to date Wyre Strategic Flood Risk Assessment Level 2 including the SFRA Level 2 Flood Risk

Sequential Test Paper and comply with the most up to date version of any relevant plans and strategies including:

- a) Surface Water Management Plan;
- b) Local Drainage Strategies;
- c) Land Drainage Strategy;
- d) Catchment Flood Management Plans;
- e) Shoreline Management Plan;
- f) Coastal Defence Strategy;
- g) Emergency Flood Plans.

2. Development will be required to demonstrate that:
 - a) It will not be at an unacceptable risk of flooding; and
 - b) It would not lead to an increased risk of flooding elsewhere; and
 - c) It would not adversely affect the integrity of tidal and fluvial defences or access for essential maintenance and emergency purposes.
3. Where development is proposed in areas at risk of flooding, unless specifically proposed in this Local Plan, it must be demonstrated that the Sequential Test has been applied and there are no reasonable available alternative sites at lower risk, considering the nature of flooding and the vulnerability of the development.
4. Subject to passing the Sequential and, where required, the Exception Test as set out in national policy and guidance, development will only be permitted in flood risk areas where appropriate mitigation and/or adaption measures are proposed to reduce the likelihood and / or impact of flooding".

- 9.44 In relation to surface water management, Policy CDMP2 states that "Development proposals will need to demonstrate an adequate surface water drainage system which is maintainable for the lifetime of the development. Within Critical Drainage Areas this will need to be covered as part of a Flood Risk Assessment (FRA). Developers will need to provide details of the long term maintenance of the surface water drainage system".
- 9.45 Policy CDMP4 (Environmental Assets) of the Local Plan states that "Development close to water courses or bodies should not sever recreational routes, prejudice recreational uses, reduce water quality, diminish the ecological value of the water body or environs, increase flood risk or interfere with culverts or drainage". The policy also states that "Development which would have an unacceptable effect on the quality or yield of groundwater or surface water resources will not be permitted".
- 9.46 According to the Environment Agency's (EA's) flood map, the application site falls within both flood zone 2 (medium probability of flooding) and 3 (high probability of flooding).
- 9.47 The application has been supported by an Environmental Statement (ES) (August 2022) and Flood Risk Assessment (October 2021). The ES discusses the impact of the Proposed Scheme on surface water receptors. The assessment predicts no residual impact in relation to coastal and river waterbodies, bathing waters and shellfish areas within Proposed Scheme's area.
- 9.48 The FRA (October 2021) confirms "neither the sequential nor the exemption test are applicable since the Wyre Beach and Dune Management - Phase Two works are required to reduce the risk of uncontrolled failure/ undermining of the existing coastal flood defences, when beach levels are lower (which is most likely

to occur during a storm event) resulting in defence breach and tidal flooding of the low-lying hinterland".

- 9.49 The FRA concludes that the Proposed Scheme will reduce the risk of coastal flooding to the hinterland with no increased flood risk to third parties and no increased risk of flooding from other sources, during either the construction or operational phases.
- 9.50 During consultation, the Environment Agency confirm that they have no objection to the proposed scheme in relation to flood risk.
- 9.51 Wyre Council's engineering services confirmed no objection to the Proposed Scheme. Their consultation response confirms that the Proposed Scheme is classed as 'water compatible' development and that the submitted FRA meets the appropriate requirements and no emergency plan assessment is required.
- 9.52 Lancashire County Council (LCC) as Lead Local Flood Authority (LLFA) also confirmed no objection to the Proposed Scheme. The LLFA confirm in their response that they expect the "applicant to pay due consideration and attention to appropriate surface water implications during the construction phase, in addition to pollution prevention during this phase, with particular reference to the storing of materials and vehicles".
- 9.53 United Utilities (UU) responded to the consultation confirming that they are supportive of the proposed scheme, but bring to the LPA's attention that the proposed works will either be on or immediately adjacent to their public sewer network, including a large diameter combined sewer, and water mains. The consultation response includes suggested wording for two planning conditions (should permission be granted) relating to asset protection, drainage and the management and maintenance for any sustainable drainage. In response to this, it is important to note that protection of UU assets is a separate matter to the planning application process.
- 9.54 On the basis that no objections have been received from consultees, and with the appropriate planning conditions in place, it is considered that the Proposed Scheme is acceptable in accordance with Policy SP1; SP2 Policy; CDMP2; CDMP4 of the Local Plan; and section 14 of the NPPF.

Climate Change

- 9.55 Section 14 of the NPPF looks at meeting the challenge of climate change and the Local Plan sets out a number of objectives, which includes the need to respond to the challenge of climate change encouraging best use of resources and assets, minimising wastage and ensuring the Borough adapts to climate change.
- 9.56 Criterion 6 of Policy SP2 states that "Development proposals must demonstrate how they respond to the challenge of climate change through appropriate design and by making best use of resources and assets, including the incorporation of water and energy efficiency measures through construction and operational phases and the reuse and recycling in construction both in the selection of materials and management of residual waste".
- 9.57 The submitted Design and Access Statement / Planning Statement (April 2022) states that Proposed Scheme "will deliver a solution, which will reduce beach level volatility and the risk of undermining and breach of existing defences whilst maintaining a 0.5% standard of protection (overtopping) along the frontage over

the next 50 years, taking account of current projections of future climate change (e.g. sea level rise and increased storminess)".

- 9.58 The submitted ES (August 2022) clarifies that the scale of the Proposed "Scheme's capital (construction) carbon footprint is a consequence of activities to build the new groynes and toe protection, removal of deteriorated timber groynes and beach recycling (should it be needed)". The ES confirms that the Proposed Scheme "will require the import of rock (from local quarries) and removal of timber from the coastal frontage with associated emissions from vehicles transporting materials to licensed landfill, as well as the movement of beach material from Fleetwood to Cleveleys by road. The Contractor will use well-maintained equipment, low emission vehicles where feasible, and implement construction procedures (e.g. regular fleet maintenance) to minimise emissions, as will be detailed in a Construction Environmental Management Plan (CEMP). Additionally, the Contractor will ensure sustainable use and disposal of resources. A Site Waste Management Plan (SWMP) will be prepared by the Contractor, which will consider reduction, re-use and recycling of all resources, including but not limited to beach sediment, timber and 'wastes'. Each of these sustainability requirements will also be extended to the wider sub-contractor and supply chain".
- 9.59 The ES (August 2022) explains that the detailed design of the Proposed Scheme has incorporated environmentally sustainable techniques (e.g. locally sourced rock and recycling of steel sheet piles) aimed at, amongst other things, minimising the carbon footprint. The use of rock from local/regional quarries in the UK is a significant positive outcome of the Scheme and will result in a significant reduction in carbon emissions. The applicant also states in the ES that where possible, the removed timber groynes will be recycled through a timber shredder and some of the timber may be re-used as new information boards. Sand will be re-cycled (if required) to avoid the unnecessary recharge of sand from an offshore licensed source.
- 9.60 The Proposed Scheme is designed to prevent flooding, which could potentially be exacerbated by future climate change effects. As discussed in the supporting information to the application, the potential effects of climate change have also been considered in relation to the construction phase. It is therefore considered that the proposal provides an appropriate response to climate change in accordance with the expectations of Policy SP2 of the Local Plan and the NPPF.

Highway Safety & Access

- 9.61 The NPPF states that in assessing sites for specific applications for development, it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;
 - b) safe and suitable access to the site can be achieved for all users;
 - c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46; and
 - d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree".
- 9.62 Paragraph 111 of the NPPF makes clear that development should only be prevented or refused on highways grounds if there would be an unacceptable

impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 9.63 Paragraph 104 of the NPPF makes clear that transport issues should be considered from the earliest stages of plan-making and development proposals. Reasons for this include so that opportunities to promote walking, cycling and public transport use are identified and pursued, and so that the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account.
- 9.64 Paragraph 110 of the NPPF states that in assessing applications for development, it should be ensured appropriate opportunities to promote sustainable transport modes can be, or have been, taken up; that safe and suitable access to the site can be achieved for all users; that the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance; and, that any significant impacts from the development on the transport network or on highway safety can be cost effectively mitigated to an acceptable degree.
- 9.65 Policy SP2 of the Local Plan states that "all development should contribute positively to the overall physical, social, environmental and economic character of the area in which the development is located".
- 9.66 Policy SP8 of the Local Plan states that "1development should help maximise opportunities to improve quality of life and to make it easier for people in Wyre to lead healthy, active lifestyles. 2. Where a proposal has the potential to impact on public health, the Council will require the developer to demonstrate how public health issues have been taken into account in formulating the development proposal and how any impacts are to be mitigated. The Council may require the developer to carry out a Health Impact Assessment which will identify the potential health effects on new and existing residents within the community and the potential for public services to meet existing and new demand. 3. Development with the potential to adversely impact on public health will only be permitted where it is demonstrated that it will not, in isolation or in conjunction with other planned, committed or completed development, contribute to an unacceptable impact on the health of the Borough's population. In assessing the likely health impact of new development, the Council will take into account evidence indicating the expected effect of the development on individuals' behaviour and choices".
- 9.67 Policy CDMP3 of the Local Plan states that "development will, in particular, be assessed against the following criteria b) Development will be required to create or make a positive contribution to an attractive and coherent townscape both within the development itself and by reference to its integration with the wider built environment having regard to the pattern and design of internal roads and footpaths in respect of permeability and connectivity, car parking, open spaces, landscaping, and views into and out of the development".
- 9.68 Policy CDMP6 (Accessibility and Transport) of the Local Plan states that new development will be permitted provided it meets the requirements of the Core Development Management Policies and it has been demonstrated that:
- Road safety and the safe, efficient and convenient movement of all highway users (including bus passengers, refuse collection vehicles, the emergency services, cyclists and pedestrians) is not prejudiced;
 - Safe and adequate vehicular, cycle and pedestrian access to and from, and circulation within, a proposal site would be provided;

- Appropriate provision is made for vehicular access, off-street servicing and parking;
- Measures are included to encourage access on foot, by bicycle and public transport and reduce car reliance;
- The needs of people with disabilities and older people are fully provided for, including those reliant on community transport services; and
- Developments adjacent to or affecting railway lines, including resulting in a material increase or change of character of the traffic using a rail crossing of a railway, should ensure that there will not result in an adverse impact on the operational safety of the railway network.

- 9.69 Criterion 3 of Policy CDMP6 states that "where a development has an adverse impact on the existing highway network, developers or operators will be required to provide or contribute to such works to the transport network, including sustainable travel measures as are necessary to mitigate these impacts". Part 4 of the Policy 5 confirms the Council's stance that "development which would attract large numbers of people on a regular basis or generate significant amounts of movement will be required to be supported by a Travel Plan setting out the measures that the developer, either alone or in conjunction with neighbouring uses, shall adopt to reduce reliance on the use of the private car for journeys to and from the site".
- 9.70 In relation to Public Rights of Way, Criterion 6 of Policy CDMP6 states that "proposals will not be permitted which: a) Adversely affect an existing Public Right of Way and the public's enjoyment of it unless a satisfactory alternative is provided in terms of an equally attractive, safe and convenient route; or b) Detract from the character of an existing right of way; or c) Do not accord with the need to improve and provide access to the countryside for the disabled".
- 9.71 The application has been supported by an Environmental Statement (August 2022) (Including draft Environmental Action Plan and draft Construction Traffic Management Plan); Design and Access Statement / Planning Statement (April 2022); and Construction Management Environmental Plan (CEMP) - Revision 2 (July 2022).
- 9.72 The applicant submitted construction related drawings relating to the construction compounds, showing associated construction traffic movements on the local highway network and within the compound sites, information about Maximum and Minimum turning radii for access and egress of HGV lorries and proposed traffic flow.
- 9.73 A combined Design and Access Statement and Planning Statement (April 2022) confirms that "new temporary tarmac and concrete haul routes will be required to facilitate access to the beach and site compound at Jubilee Gardens. This stretch of haul road will be reinstated on completion of the Scheme. A satellite compound will also be set up at Rossall Point Car Park adjacent to Beach Road. Access to Rossall Point Car Park will require widening of the entrance by up to 8m and the surface will be tarmaced. This will require the removal of predominantly scrub vegetation and invasive species on the west side of the beach access and a small area to the east, where work is regularly completed to maintain access to the car park".
- 9.74 The Design and Statement (April 2022) confirms the applicant's intentions that "access routes to the compounds and working areas will be provided, where required, from the closest and most suitable access and egress points from the highway network. Temporary haulage routes will be constructed to provide a suitable running surface for plant and delivery vehicles as required within the

working areas. The works will also require the widening of the slipway adjacent to Café Cove to enable construction plant to access the beach, which will be reinstated on completion of the Scheme".

- 9.75 The ES (August 2022) includes an assessment of potential impacts on the topics of transport and access. The ES concludes that "there will be some temporary traffic disruption resulting from construction traffic and site access to the main site compound at Jubilee Gardens. There will be a temporary loss of 112 car parking spaces at Jubilee Car Park during Winter and weekdays in Summer and a loss of 47 car parking spaces during the weekends in Summer". The ES clarifies the findings of the assessment that the Proposed Scheme will also result in a temporary loss of 20 car parking spaces at Rossall Point car park during the construction phase. However, following completion of the construction phase then the car parks will be reinstated.
- 9.76 It is also noted by the applicant that associated transport disruption will be managed through measures described in the submitted draft Environmental Action Plan (Appendix N to the ES). Temporary signage will be provided to inform the public of alternative parking availability as far as possible during construction.
- 9.77 A draft Construction Traffic Management Plan and associated traffic routes drawings are provided in Appendix C of the supporting Environmental Statement.
- 9.78 In terms of vehicle management, the updated Construction Management Environmental Plan (CEMP) - Revision 2' (July 2022) sets out a number of proposed controls including inductions for delivery drivers, temporary traffic lights and highway cleaning measures.
- 9.79 The submitted 'Works Traffic Routes and Access Points' drawing (WBMS/PH2/PL/02) illustrates that for the main site compound at Jubilee Gardens construction traffic will operate along: North Promenade; Promenade South; Princes Way; Anchorsholme Park road; Kelso Avenue (A587); Crescent East; Victoria Road West; Rossall Road; and Thornton Gate. In relation to the satellite compound, the works traffic routes comprise: Princes Way; Laidleys Walk; The Esplanade; Queen's Terrace; and Dock Street.
- 9.80 Fleetwood Civic Society responded to the consultation noting that: consideration must be given to the proposed construction traffic routes to both compounds; Safety issues raised in relation to the proposed traffic route; The chosen traffic route must be subject to immediate resurfacing after completion of the proposed works; Confirmation must be sought to clarify with Blackpool Transport the requirements for the lorries to cross the trams at right angles.
- 9.81 Fleetwood Town Council also responded to the consultation confirming their objection to the Proposed Scheme, and raised issue with the suggested route into Fleetwood by lorries transporting the stones.
- 9.82 A number of concerns were raised from local residents relating to: highways, traffic and parking, public safety, accessibility and public transport as summarised in section 6.0 of this Committee Report.
- 9.83 As noted in section 6.0 of this Committee Report, Lancashire County Council (LCC) acting as the Local Highway Authority (LHA) confirmed that they supported the Proposed Scheme and have no objections. The response notes that the proposed scheme will lead to "significant HGV traffic movements" but that "once constructed maintenance movements will be occasional".

- 9.84 LCC acknowledge the submitted CEMP and confirm that they are satisfied that the CEMP is acceptable. In conclusion, LCC support the proposed scheme and suggest planning conditions if planning permission is granted, as set out in Section 6.0. One of these suggested conditions relates to a survey of the condition of the adopted highway. Blackpool Council also responded to the consultation confirming "no particular planning comments" but noting that the Council's "highways officer has advised that potential wear and tear to the roads is the only concern". They requested conditions to secure dilapidation surveys and remedial work to cover the roads in Blackpool, namely Kelso Avenue and Anchorsholme Lane West. However, this is not considered a reasonable condition to impose, as it would not be possible to attribute any damage/ road wear and tear specifically to this Proposed Scheme, and the vehicles are, in any case, lawfully allowed to use the highway.
- 9.85 In terms of impact upon existing parking facilities, it is recognised that there would be temporary loss of the Jubilee Gardens public pay and display car park, as well as the temporary loss of 20 car parking spaces at Rossall Point car park during the construction phase. However, following completion of the construction phase the car parks will be reinstated. The use of land to accommodate the two compounds is temporary, to facilitate the construction of a coastal defence beach management scheme. Therefore, whilst there will be disruption in the area during the course of the construction phase, it is not proposed to be long-term, and is also an impact that can be controlled with working times and deliveries to be agreed in a condition. Furthermore, LCC Highway have not objected to the temporary loss of car parking spaces.
- 9.86 As noted in section 2.0 of this Committee Report, the application site boundaries for the Proposed Scheme overlaps with and runs adjacent to a number of existing Public Rights of Way (PRoW), including the Lancashire Coastal Way footpath. The ES (August 2022) confirms that there will also be some unavoidable but temporary disruption during construction to access for users of the beach, promenade (including public rights of way and part of the National Cycleway Network) and Jubilee Gardens and Park and potentially restricted access to the ramp at the Lower Lighthouse (should beach recycling be needed). The applicant also accepts that short sections of the promenade will be closed temporarily during construction of the Proposed Scheme.
- 9.87 In terms of connectivity for non-motorised users (NMU's), as noted above, Policy CDMP6 of the Local Plan states that "proposals will not be permitted which: a) Adversely affect an existing Public Right of Way and the public's enjoyment of it unless a satisfactory alternative is provided in terms of an equally attractive, safe and convenient route". In terms of NMU connectivity, the submitted Construction Management Environmental Plan' (July 2022) and submitted drawings ('Jubilee Gardens site compound details' & 'satellite compound details' drawings):
- Jubilee Gardens - during working hours, access along the promenade fronting the Café Cove and immediately north of the construction access route to site will be closed. The east footpath will remain open for the public as agreed with Lancashire County Council. The closures and pedestrian management will be controlled by three banksmen.
 - Rossall Point - The pedestrian access on the Fleetwood(east) side of the compound will be closed to the public when in use by the construction team, with pedestrians diverted to a footpath at west side of public open space along the boundary of the golf course. A procedure will be in place to for it to be checked and inspected prior to opening to the public.

- 9.88 Although the temporary disruption to Public Rights of Way is regrettable, this is balanced alongside the fact that these work areas are required to facilitate the Proposed Scheme. Therefore it is considered that the associated wider public benefits arising from the coastal defence beach management scheme mean the development is considered to significantly outweigh the temporary disruption caused to these routes and access in and around the beach and promenade areas. It also important to note that potential effects can be alleviated via alternative routes and construction stage mitigation measures, which can be controlled via planning conditions.
- 9.89 Overall, the highways impacts and proposed temporary access arrangements for pedestrians and cyclists are considered to be acceptable, and need to be measured against the public benefits of the Proposed Scheme. Therefore, subject to appropriate planning conditions, the Proposed Scheme is therefore deemed to be in accordance with the requirements of Policy SP2; SP8; CDMP3 and CDMP6 of the Local Plan; and the aims of the NPPF.

Potential Impacts on Residential Amenity and Nearby Premises

- 9.90 Criterion 8 of the revised NPPF provides advice on how development can achieve healthy, inclusive and safe places. Parts 12 and 15 of the NPPF require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution.
- 9.91 Policy SP2 of the adopted Local Plan (2023) states that "all development should contribute positively to the overall physical, social, environmental and economic character of the area in which the development is located". Part 3 of the policy states that "where there is any conflict between environmental, economic and social objectives, development proposals will be required in the first instance to seek to incorporate solutions where all objectives can be met".
- 9.92 Criterion 5 of Policy SP2 confirms the Council's stance that "development proposals must not compromise the Borough's ability to improve the health and well-being of local residents".
- 9.93 Policy SP8 of the Local Plan relates to health and well-being and states that "where a proposal has the potential to impact on public health, the Council will require the developer to demonstrate how public health issues have been taken into account in formulating the development proposal and how any impacts are to be mitigated". Criterion 3 of the Policy states that "development with the potential to adversely impact on public health will only be permitted where it is demonstrated that it will not, in isolation or in conjunction with other planned, committed or completed development, contribute to an unacceptable impact on the health of the Borough's population. In assessing the likely health impact of new development, the Council will take into account evidence indicating the expected effect of the development on individuals' behaviour and choices".
- 9.94 Policy CDMP1 within the Local Plan (2023) relates to environmental protection and confirms the Council's view that new "development will be permitted where in isolation or in conjunction with other planned or committed developments it can be demonstrated that the development: a) Will be compatible with adjacent existing uses or uses proposed in this plan and it would not lead to significant adverse effects on health, amenity, safety and the operation of surrounding uses and for occupants or users of the development itself, with reference to noise, vibration, odour, light, dust, other pollution or nuisance, Applications will be

required to be accompanied, where appropriate by relevant impact assessments and mitigation proposals".

- 9.95 Policy CDMP3 of the adopted Local Plan relates to design and states that "all development will be required to be of a high standard of design and appropriate to the end use. Innovative design appropriate to the local context will be supported and will be expected to demonstrate an understanding of the wider context and make a positive contribution to the local area. Development will, in particular, be assessed against the following criteria: Development must not have an unacceptably adverse impact on the amenity of occupants and users of surrounding or nearby properties and must provide a good standard of amenity for the occupants and users of the development itself".
- 9.96 Policy CDMP4 (Environmental Assets) of the Local Plan states that Development will be required to be accompanied by proposals to mitigate the overall environmental impact and maximise further opportunities to improve the environmental outcomes. Where mitigation measures are not considered adequate, appropriate on or off site compensation measures will be sought to offset the environmental impact of the development"
- 9.97 The construction phase of the Proposed Scheme is considered to be noise generating, and also has the potential to create dust, which could potentially impact upon local residents. As noted in section 2.0 of this Committee Report, a number of residential and commercial properties are situated within close proximity to the Proposed Scheme and associated construction compounds.
- 9.98 The planning application has been supported by an Environmental Statement (August 2022), which assesses potential impacts in relation to: noise and vibration; Local community, Marine and Land Uses; and Air Quality. A Construction Management Environmental Plan (CEMP) Revision 2 (July 2022) and a draft Environmental Action Plan were also submitted.
- 9.99 The ES confirms that the issues scoped into the 'noise and vibration' assessment are as follows:
- "Potential changes to noise and vibration levels throughout the construction process, particularly during the installation of rock toe protection and construction of a new crest wall (as well as the temporary stockpiling of rock on the beach), and associated disturbance to residential properties, local businesses, and people using the coastal frontage.
 - Direct noise caused by construction plant and by other construction related vehicles moving around the coastal frontage, as well as noise or vibration effect from extra traffic on the roads".
- 9.100 The ES scoped out the assessment of noise and vibration impacts from:
- "compound operation. Excluding the delivery and storage of the rock armour, which is being assessed, the day to day operation of the compound will mainly involve deliveries and vehicle movements and so will generate little noise. It is assumed that the compound will have mains power and will not require the continuous use of generators.
 - rock delivery by road. It is assumed that the daily delivery of rock will be approximately 360t between 08:00 and 18:00 hours on Monday to Friday. This will be around 14 daily deliveries which will be 28 vehicle movements. Over a 10-hour working window for deliveries, assuming these are spaced out

throughout the day, this would be a maximum of three vehicle movements per hour. It is considered that this low number would have a negligible effect on receptors along the route. The planned route for these vehicles is along busy roads that are likely to already experience the passing of this type of vehicle in terms of weight, and therefore no additional effects from vibration would be expected.

- the proposed maintenance of existing coastal defences as no noise or vibration generating activities are anticipated upon completion of the works".

- 9.101 In terms of noise and vibration, the ES (August 2022) concludes that the proposed "construction works will increase noise and vibration levels locally, particularly in areas around the site compounds including Ocean Way, Jubilee Drive, Carr Gate and The Venue Hotel on North Promenade (Jubilee Gardens site compound) and around Princes Way (Rossall Point Car park)". It is predicted temporary disturbance will affect residents, recreational users along the coastal frontage, a hotel, and Sea Cadets centre during construction works in the respective areas. However, it is important to consider that these noise generating activities e.g. deliveries of rock will be for short durations and controlled and managed through the implementation of a final CEMP, and via planning conditions e.g. restricting working hours.
- 9.102 The ES notes that the construction of the new groynes has the potential to "generate levels of vibration that may be noticeable as well as a temporary increase in noise for local receptors including occupants of houses on North Promenade and Rossall Promenade". Similarly, the ES notes that the removal of existing timber groynes is likely to generate levels of vibration sufficient to be noticeable and increase noise levels for receptors close to Rossall South on North Promenade. Additional mitigation measures have been identified within the ES to "minimise noise nuisance and reduce anxiety in line with best practice and these will be incorporated in a Construction Environmental Management Plan to manage the noise on-site during construction. The local community including local residents and property owners will be kept fully informed of the nature and timing of the works. The construction works will also be programmed and phased to restrict impacts within any one area to the minimum time". The ES (August 2022) concludes that once operational no changes to noise levels are expected.
- 9.103 The ES (August 2022) concludes that associated construction activities for the Proposed Scheme are not anticipated to significantly affect local air quality although it is recognised that there will be some temporary dust deposition. The ES notes that where elevated dust levels arise, these will be managed to ensure that there are no significant impacts on people. The ES confirms that the submitted Construction Environmental Management Plan will include an air quality management strategy specifically incorporating measures on dust management. The ES also concludes that once operational, there will be very few traffic movements resulting from the Proposed Scheme, related only to periodic inspection and maintenance, which will not affect local air quality.
- 9.104 In terms of potential impacts on the local community, the ES concludes that "measures to minimise any nuisance and disruption for nearby residents, recreational users and businesses have been identified and the local community will be kept fully informed of the nature and timing of the works, and alternative safe access arrangements". Those people potentially affected by the Proposed Scheme, including Council services operating on the promenade, the Coastguard and the Fleetwood Royal National Lifeboat Institute station, will continue to be engaged throughout the construction period.

- 9.105 The submitted Construction Management Environmental Plan (CEMP) (July 2022) sets out a range of control measures to help alleviate the effects of the construction phase. These relate to: proposed working hours; office, compound and storage details; storage of hazardous materials; site specific environmental issues and mitigation measures; construction lighting plan; vibration management; construction dust management; traffic management; and hazardous substances.
- 9.106 A draft Environmental Action Plan (April 2022) was also submitted in support of the application, which summarises the actions required to implement the environmental mitigation measures and outcomes contained within the ES. It sets out specific objectives and targets defining the way in which the environment will be managed during detailed design, construction and post-construction phases. It also details roles and responsibilities of those involved in the Proposed Scheme and advises that the final version of this document forms part of the contract documentation for the proposed works.
- 9.107 As summarised in section 7.0 of this Committee Report, a number of concerns were raised from local residents and businesses relating to residential amenity and the potential impacts caused by the construction phase works and compounds.
- 9.108 As noted in section 6.0 of this Committee Report, during consultation, Wyre Council's Environmental Health Officers (EHOs) responded.
- 9.109 An initial consultation response (dated 18th May 2022) from the Council's EHO was received in relation to the previously submitted Construction Management Environmental Plan (CEMP) (Revision 1 - March 2022). This is also referred to as a Construction Environmental Management Plan (CEMP). The consultation response requested additional information to be provided within the CEMP. As noted in section 3.0 of this Committee Report, further information was provided by the applicant in August 2022, which included an updated Construction Management Environmental Plan (CEMP) - Revision 2 (July 2022). In response to this, the Council's EHO responded during the third round of consultation stating the EHO's previous concerns regarding the submitted CEMP have been addressed, and as such, the EHO confirms no objections to this application as the necessary conditions to protect the environmental health amenity has been agreed.
- 9.110 The Proposed Scheme will result in temporary disruption to local residents and existing businesses within close proximity to the proposed works due to the nature and size of the development with the associated compounds. Furthermore, it is acknowledged that the noise, and air quality impacts relate to the construction phase rather than operational, and are therefore temporary in nature rather than permanent. The disruption impacts of the Proposed Scheme must be considered in balance against the wider public benefits with the significant benefit of flood risk protection for homes and properties in the area for future years. It is therefore considered that the significant public benefits of the Proposed Scheme outweigh the temporary adverse effects upon existing properties and premises in the area, and that appropriate planning conditions can seek to control and mitigate the temporary effects as far as is reasonably possible.
- 9.111 Subject to the imposition of appropriately worded conditions, including controls on working hours and use of the CEMP, the Proposed Scheme is considered acceptable when considered against Policies SP2, SP8, CDMP1, CDMP3 and CDMP4 of the adopted Local Plan and in line with the aims of the NPPF.

Biodiversity and Ecology

- 9.112 Paragraph 174 of the NPPF makes clear that planning policies and decisions should contribute to and enhance the natural and local environment, setting out a number of criteria in which this can be achieved, including by minimising impacts on and providing net gains for biodiversity.
- 9.113 Paragraph 180 of the NPPF states that when determining planning applications, Local Planning Authorities should apply a number of principles, the first of which indicates that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- 9.114 Policy SP2 (Sustainable Development) of the adopted Local Plan states that "all development should contribute positively to the overall physical, social, environmental and economic character of the area in which the development is located".
- 9.115 Policy CDMP4 (Environmental Assets) states that "the Borough's designated and undesignated ecological assets will be protected, enhanced and managed with the aim of establishing and preserving functional networks which facilitate the movement of species and populations and protect the Borough's biodiversity. Development should contribute to the restoration, enhancement and connection of natural habitats through the provision of appropriate Green Infrastructure and to a net gain in biodiversity where possible. Where development is considered necessary within or affecting an internationally or nationally designated site, adequate mitigation measures and/or compensatory habitat creation will be required through planning conditions and/or obligations. Where significant harm to designated sites resulting from development cannot be avoided, adequately mitigated or, as a last resort, replaced or compensated, the development will not be permitted. A project specific Habitat Regulation Assessment (HRA) may be required and should have regard to the mitigation measures in the Local Plan Habitats Regulations Assessment".
- 9.116 The policy also confirms the Council's position that "development affecting habitats or species of local importance, including Biological Heritage Sites, or habitats or species listed in the Lancashire Biodiversity Action Plan and Lancashire Key Species will not be permitted unless the harm caused is significantly and demonstrably outweighed by other planning considerations and an appropriate mitigation can be secured or as a last resort, the loss is replaced or adequately compensated... Development that would result in the further fragmentation of, or compromises the function of, Wyre's ecological network will not be permitted unless: a) The harm caused is significantly and demonstrably outweighed by other planning considerations; and b) An appropriate mitigation and compensation strategy can be secured".
- 9.117 As noted in section 2.0 of this Committee Report, a section of the proposed works within the Cleveleys, Rossall South and Rossall promenade area overlaps with a local Biological Heritage Site, north of Osborne Grove road. The proposed works at Rossall Point and Fleetwood North (Including Rossall Point car park adjacent to Beach Road) are more ecologically constrained as land within the application boundary overlaps with the following designations: Morecambe Bay Ramsar; Morecambe Bay Special Area of Conservation (SAC); Wyre Estuary Site of Special Scientific Interest (SSSI); and the Morecambe Bay and Duddon Estuary Special Protection Area (SPA).

- 9.118 The land within the beach off the Esplanade, adjacent to RNLI Fleetwood Lifeboat Station also overlaps with the following designations: Morecambe Bay Ramsar; Morecambe Bay Special Area of Conservation (SAC); Wyre-Lune Marine Conservation Zone (MCZ), Wyre Estuary Site of Special Scientific Interest (SSSI); and the Morecambe Bay and Duddon Estuary Special Protection Area (SPA).
- 9.119 As noted in section 3.0 of this Committee Report, the applicant originally submitted an Environmental Statement (Including Non-Technical Summary) (April 2022). The ES was then subsequently updated following consultation feedback (first round of consultation) and resulted in the submission of further environmental information, comprising:
- Updated Environmental Statement (Including Non-Technical Summary) (August 2022);
 - Environmental Statement - Responses to the Environment Agency comments on the ES (August 2022);
 - Phase 1 Rossall South Toe Protection Works - Environmental Statement Addendum (Document No. 2 Revision: 1) (March 2022 - Updated August 2022); and
 - Report to Inform Habitats Regulations Assessment: Stage 1 Screening and Stage 2 Appropriate Assessment (August 2022).
- 9.120 Following the receipt of further comments received during the second round of consultation, the applicant submitted an Environmental Statement Addendum (January 2023) (including an updated HRA and updated Technical Note for Environment Agency) to address issues raised by the statutory consultees, as summarised in section 6.0.
- 9.121 An updated CEMP (July 2022) was submitted by the applicant, which included additional site specific environmental information relating to Sabellaria Reefs, minimising impacts on birds and beach recycling works.
- 9.122 The Environmental Statement Addendum (January 2023) outlines the further information provided to support the consultee requests together with any potential changes to the baseline conditions, impact assessment or mitigation described in the original ES. The ES Addendum concludes that the additional information provided does not change the conclusions of the original ES and no changes to the impact significance nor additional mitigation requirements have been identified. The ES Addendum also notes that "upon receipt of any conditions resulting from determination of the planning application by Wyre Planning Authority or the MMO, the draft Environmental Action Plan (Appendix N of the ES) will be updated to incorporate any conditions imposed by the regulatory bodies, as well as the additional mitigation resulting from the updated HRA (presented in Appendix C of this ES Addendum). The Environmental Action Plan is a mechanism by which Wyre Council will manage the environmental impacts set out in the ES and this ES Addendum to ensure compliance with environmental commitments. It will be maintained as a live document throughout Scheme finalisation and construction".
- 9.123 The amended HRA report (December 2022) includes an Appropriate Assessment which concludes that "a number of potential impact pathways through which the proposed scheme (either alone or in-combination with other projects and plans) has the potential to result in adverse effects on European sites have been identified. It has been displayed that, with appropriate mitigation, the proposed scheme (either alone or in-combination with other projects and plans) will not result in significant harm to the qualifying habitats or species of European sites or

impede the delivery of the conservation objectives of the European sites, via the pathways of damage to Sabellaria reefs, noise and light disturbance to qualifying bird species and water pollution"

- 9.124 The amended HRA report (December 2022) records the following recommendations

"The CEMP should either be provided to Competent Authority as part of the submitted scheme or its provision to Wyre Council must be secured via an appropriately worded pre-commencement condition. The avoidance and mitigation measures within the final CEMP will adhere to appropriate national guidelines and best practice principles. The avoidance and mitigation measures will be sufficient in their scope and scale to fully avoid or mitigate against any likely significant harmful impacts to European sites during the construction phase of the scheme.

All future material revisions to the scheme should be subject to an updated assessment to determine if changes to the proposals could adversely affect the integrity of any European site, whether alone or in-combination with other plans and projects".

- 9.125 As noted in Section 6.0 of this Committee Report the Environment Agency confirmed their position that they are satisfied with the applicant's conclusion in the submitted 'Responses to the Environment Agency comments on the ES' (dated 30 November 2022) technical note' that, "the changes observed between the Lower Lighthouse and the RNLI Fleetwood are likely to be a combination of factors", and these include removal and recovery of the beach due to sediment extraction, plus recreational disturbance but also natural variability associated with the River Wyre channel position and winter storm events.
- 9.126 In their consultation response, the EA acknowledge that the applicant's agent "identified that in 2015 there were localised changes/impacts likely to be associated with the sand abstraction, and from monitoring data illustrated that some recovery occurred over a number of years". The EA advise that due to the likelihood that there is to be a repeat of this impact following any further abstractions, they would "support the inclusion of dune improvement/management work to improve the stability, extent and overall dune habitat (and associated ecology) in this area as part of the planning application (and Marine Management Organisation license if appropriate)".
- 9.127 The EA also stated that they would "support the suggestion, as part of future extractions, that the work included reprofiling the beach to reduce the risk of draw down". The EA advise that in terms of impacts on the SAC, they would defer to Natural England's judgement on this.
- 9.128 Natural England confirmed that they had no objection to the proposed scheme, subject to appropriate mitigation measures being secured.
- 9.129 In order to mitigate potential adverse effects and make the proposed scheme acceptable, Natural England advised that mitigation measures be secured by appropriate planning conditions or obligations to any planning permission, as detailed in Section 6.0 of this Committee Report.
- 9.130 Natural England noted in their response to the third round of consultation that an appropriate assessment of the proposed scheme has been undertaken, in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). The response makes reference to the previous

consultation responses submitted by Natural England whereby they "requested further information to ensure the assessment considered all potential impact pathways from the proposal, and contained enough evidence to demonstrate the proposal would have no adverse impacts on the above designated sites". In this consultation response Natural England advised that they now concur with the assessment conclusions. Natural England advised that having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the Proposed Scheme, that they have no objection, providing that all mitigation measures are appropriately secured in any planning permission given.

- 9.131 As noted in section 6.0 of this Committee Report, GMEU confirmed that they have no objections to the proposed scheme on ecology grounds. The GMEU confirmed that they have no reason to disagree with Natural England's recommendations, and would defer to their expertise when considering potential effects on designated sites, and additional mitigation measures and monitoring requirements.
- 9.132 As a result of further environmental information being submitted by the applicant, both Natural England and GMEU have confirmed no objections to the proposed scheme. However, both consultees advise on the implementation of additional mitigation measures to mitigate impacts on species and habitats, including qualifying features of European Sites as protected by the Conservation of Habitats and Species Regulations 2017 as amended (known as the Habitats Regulations). These requests relating to additional mitigation measures can be controlled through appropriately worded planning conditions.
- 9.133 Wyre Council as the competent authority under the provisions of the Habitats Regulations, have had regard to the potential impacts that the proposed scheme may have. Therefore, based on the advice and recommendations received from both Natural England and GMEU, Wyre Council as the competent authority, intend to adopt the submitted HRA and therefore fulfil their duty.
- 9.134 Subject to the imposition of appropriately worded conditions, the Proposed Scheme is considered acceptable when considered against Policies SP2, and CDMP4 of the adopted Local Plan and in line with the aims of the NPPF.

Visual Impact / Design / Impact on street scene

- 9.135 Section 12 of the NPPF seeks to secure high quality design, with Paragraph 126 explaining that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 130 of the NPPF also seeks to ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character; and establish or maintain a strong sense of place.
- 9.136 Policy SP2 of the Local Plan states that "all development should contribute positively to the overall physical, social, environmental and economic character of the area in which the development is located".
- 9.137 Policy CDMP1 of the Local Plan relates to Environmental Protection stating that "development will be permitted where in isolation or in conjunction with other planned or committed developments it can be demonstrated that the development: a) Will be compatible with adjacent existing uses or uses proposed in this plan and it would not lead to significant adverse effects on health, amenity,

safety and the operation of surrounding uses and for occupants or users of the development itself, with reference to noise, vibration, odour, light, dust, other pollution or nuisance".

- 9.138 Policy CDMP3 of the adopted Local Plan states that "all development will be required to be of a high standard of design and appropriate to the end use. Innovative design appropriate to the local context will be supported and will be expected to demonstrate an understanding of the wider context and make a positive contribution to the local area.

Development will, in particular, be assessed against the following criteria:

- a) All development must be designed to respect or enhance the character of the area and minimise energy consumption having regard to issues, including density, siting, layout, height, scale, massing, orientation, landscaping and use of materials. Where possible and appropriate recycled materials should be used.
- b) Development will be required to create or make a positive contribution to an attractive and coherent townscape both within the development itself and by reference to its integration with the wider built environment having regard to the pattern and design of internal roads and footpaths in respect of permeability and connectivity, car parking, open spaces, landscaping, and views into and out of the development.
- c) Development must not have an unacceptably adverse impact on the amenity of occupants and users of surrounding or nearby properties and must provide a good standard of amenity for the occupants and users of the development itself.
- d) Development must create safe and secure environments that minimise the opportunities for crime and promote community safety.
- e) Adequate provision must be made in all new developments to enable the effective and efficient management and removal of domestic or commercial waste.
- f) Development must, where appropriate, ensure that vehicular access is provided to the boundary with any adjacent land so that the ability to develop such land is not prejudiced or prevented".

- 9.139 Policy CDMP4 relates to environmental assets and states that "development proposals should, where possible: a) Provide enhancements in relation to the environmental assets in this policy; and b) Seek to minimise or eliminate net environmental impact". Part 15 of the policy relates to landscapes and states that "Development permitted by other policies of the Plan should have no unacceptable cumulative impact on landscape character within or outside settlement boundaries and the principal elements and features associated with it. Development proposals should be designed to avoid negative landscape effects and where this is not possible negative landscape effects should be effectively mitigated".

- 9.140 As recorded in the ES and Non-Technical summary (August 2022), the applicant accepts that the construction phase of the Proposed Scheme will "yield temporary changes to the landscape and views due to construction activity along the shoreline from the construction of groynes, toe protection and beach sand recycling operations (should they be needed) as well as loss/ interruptions to access and amenity grassland for recreation". However, the assessment concludes that once the Proposed Scheme has been completed, "the tranquil nature of the shoreline will return but there will be new rock groynes in the landscape, which will be constructed from similar materials to those currently present at Cleveleys and Rossall North".

- 9.141 The submitted Design and Access Statement / Planning Statement (April 2022) includes illustrative visualisations of the completed Scheme. The Statement notes

that "materials and landscaping are sympathetic to the local surroundings and have been designed to mitigate landscape and visual impacts as much as possible. The appearance and materials to be used for the construction of the Scheme are chosen to complement the surroundings. Rock groynes will be constructed from large rock boulders, similar to those currently present at Cleveleys and Rossall North. The materials for beach recycling will be locally sourced comprising sand and shale materials reflecting local shades and particle sizes common to this coastline".

- 9.142 In a response from Wyre Council's Tree Officer it was confirmed that there are no potential adverse arboricultural implications that could result from this proposed scheme due to the fact that there are no trees that would be affected.
- 9.143 Concerns were raised by local residents claiming loss of visual amenity of the green and open space due to the site compound on Princes Way and raised issues with the proposed hoarding for screening around the perimeter of the proposed satellite site compound and associated infrastructure.
- 9.144 The Proposed Scheme will result in the construction of 35 new rock groynes with ramps to allow pedestrian access along the upper beach, to replace the existing timber groynes (to be removed). Although these proposed new rock armour groynes will have more of a visual impact due to their length and massing, due consideration is given to the fact they will be replacing existing groynes and so will not be completely new elements of beach infrastructure.
- 9.145 The proposed new rock toe protection along the toe of the revetment at Rossall Point/ Fleetwood North should be considered in the context of the existing protection embedded into the completed Rossall North coast defence scheme (completed in June 2018). The proposed new toe protection is to a smaller scale than this completed scheme and will be situated lower than the promenade. Taking these factors into consideration, it is considered that it will not result in an unacceptable visual impact.
- 9.146 As noted in section 3.0 of this Committee Report, the proposed site compound at Jubilee Gardens will include the following elements of development: tarmac surfaced road; concrete surfaced road; perimeter hoarding and gates (for vehicles and pedestrians); mesh fencing to be constructed on the car park for the site compound; Fuel Store RC Slab; 14 cabins (welfare and stores - including smoking shelter/vapour shelter); outdoor seating and picnic benches; designated storage areas for plant; storage area for Fibre Reinforced Concrete (FRC); offsite material; refuel area/ fuel tanks; and gateman huts.
- 9.147 The proposed satellite compound will comprise of: solid hoarding and mesh fencing; vehicle haul road to be of tarmac road construction; site offices/welfare; office car park; rock storage area; fuel storage bay; topsoil bund areas; rock storage area; plant storage area; geotextile/ rock storage areas; and fuel storage bay.
- 9.148 These site compounds will result in visual impact on a number of local receptors, including adjacent residential properties and business premises, views from (or experienced by) users of the Lancashire Coastal Way footpath and National Cycle Network Route 62, as well as other existing Public Rights of Way in proximity to these compounds. However, it is important to note that the siting of these compounds are not permanent in nature, and whilst they would cause visual impacts to the locality during the course of the construction phase, they are temporary and will be removed. These temporary visual impacts will be outweighed by the benefits of the resultant coastal defence beach management

scheme. Suitably worded conditions can be attached to a planning permission to help alleviate these temporary impacts, including for example the need to restore the areas of the site compounds to their original state prior to the works.

- 9.149 Subject to the imposition of appropriately worded conditions, the Proposed Scheme is considered acceptable when considered against Policies SP2, CDMP1, CDMP3 and CDMP4 of the adopted Local Plan (2023) and Part 12 of the NPPF.

Cultural Heritage and Archaeology

- 9.150 Section 72 of the Planning (Listed buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area in exercising planning functions and Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard should be paid to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. This is a statutory presumption in favour of preservation. However, it has been established through case law that the decision maker needs to give appropriate 'special regard' to the preservation (or no harm) to heritage assets and their settings within this 'weighing up' process where it is concluded harm will be caused.
- 9.151 Paragraph 135 of the NPPF establishes that the Local Planning Authority should "seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as materials used)".
- 9.152 Paragraph 194 of the NPPF states that "in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation".
- 9.153 Paragraph 195 of the NPPF confirms that "Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal".
- 9.154 Paragraph 197 of the NPPF states that "in determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness".

- 9.155 In terms of considering potential impacts from new development paragraph 199 of the NPPF states that "when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance". Paragraph 200 states that "any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of: a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional; b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II star listed buildings, grade I and II star registered parks and gardens, and World Heritage Sites, should be wholly exceptional".
- 9.156 Paragraph 201 states that "where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply: a) the nature of the heritage asset prevents all reasonable uses of the site; and b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and d) the harm or loss is outweighed by the benefit of bringing the site back into use".
- 9.157 Paragraph 202 of the NPPF states that "where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use". Paragraph 203 also advises that "the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset".
- 9.158 Policy SP2 of the Local Plan relates to sustainable development and states that "all development should contribute positively to the overall physical, social, environmental and economic character of the area in which the development is located".
- 9.159 Policy CDMP5 of the Local Plan aims to protect the historic environment and ensure that new development is respectful to and does not impact on historic assets.
- 9.160 The applicant submitted an Environmental Statement (Including Heritage Statement) (August 2022); and Archaeological Written Scheme of Investigation (June 2022) in support of the application.
- 9.161 The Historic Environment chapter of the ES (August 2022) concludes that the Proposed Scheme will reduce coastal erosion and flood risk to various sites of historical interest including Listed Buildings at Cleveleys and Rossall School, Fleetwood Conservation Area and The Mount Registered Park and Garden.
- 9.162 The ES states that, during construction, there is potential for excavation works on the beach to encounter, and negatively impact on, buried peat deposits, ancient

tree and other unknown archaeological remains. However, the ES considers the likelihood of encountering these remains is low and will be managed through a monitoring system ('protocol') for unexpected archaeological finds. There is also potential for the construction works to negatively impact the remains of Rossall Point Landmark tower, which will be managed through an exclusion zone around the visible wooden posts present on the beach.

- 9.163 There is also potential for the construction works to temporarily negatively affect the setting of those designated Listed Buildings within the Rossall School complex, which are visible from the beach including 19th century buildings at the west range of the school (i.e. through impacts on views from and to the beach).
- 9.164 During consultation, Lancashire County Council's (LCC) Historic Environment Team confirms that no archaeological designated heritage assets are directly or indirectly impacted by the Proposed Scheme. The consultation response from LCC notes that the submitted Heritage Statement (2021) proposes the establishment of an exclusion area at the Rossall Landmark site to avoid impacts, as well as a "protocol for the discovery of previously unknown archaeological remains". However, in their response, LCC notes that the Heritage Statement "does not suggest any form of protection or exclusion zone for the anti-tank cubes, but this should be considered if the works will require access for machines or materials close to them - it is not clear from the planning documents if this will be necessary". LCC confirm in their response that they consider the exclusion zone(s) a sensible precaution, and would suggest that the 'protocol' recommended be in the form of (i) a formal watching brief when works are being undertaken in the vicinity of the peat deposits, Rossall Hall, the Fenny farmstead and the Landmark site; and (ii) a plan for identifying remains encountered elsewhere during the works and preserving them in situ until they can be recorded by an on-call archaeological contractor. These works can be required by an appropriate planning condition.
- 9.165 In a further response to consultation, LCC confirm that they are happy with the general wording of the Archaeological Written Scheme of Investigation (WSI) (June 2022). They advise that this document could be accepted as an answer to the WSI required in the draft planning condition recommended in the County Council's earlier consultation response (dated 27th May 2022). Therefore, the previously suggested planning condition could be amended to one requiring the implementation of the submitted WSI.
- 9.166 Lancashire County Council also recommend that the following further details be established and agreed prior to the development commencing:
- (i) How the archaeological exclusion zones (WSI 6.5) will be established and policed; and
 - (ii) What steps will be taken to ensure that unexpected remains (WSI 6.4) will be identified during the works and an archaeological response triggered. It is suggested that this includes (a) toolbox talks during site inductions to appropriate site managers, staff and sub-contractors; and (b) the provision of a laminated quick-reference sheet for workers with brief notes and appropriate contact telephone numbers. A contingency agreement should be in place with the selected archaeological contractor(s) to allow for the deployment of an appropriate response team should it prove necessary".
- 9.167 Wyre Council's Planning Conservation Officer confirmed during consultation that they agreed with the findings of the updated Environmental Statement (August 2022) and the Addendum to the Environmental Statement (August 2022) in terms

of the potential impacts of the Proposed Scheme upon heritage assets. The Officer also confirms agreement with the overall conclusion from the applicant that the Proposed Scheme would have 'slight to moderate beneficial' outcomes for heritage assets within the defined study area.

- 9.168 In their response, the officer confirms that "the assertion contained within the submitted Heritage Statement that no designated heritage asset would be directly affected by the proposed development and that for any heritage asset the maximum impact could be categorised as being either 'minor adverse', 'negligible adverse' or 'minor beneficial' is accepted. Indeed the findings of the submitted Heritage Statement as a whole are accepted".

The officer also notes their view that "the designated heritage assets where there is the potential for the greatest, albeit limited impact, are confined to Rossall School, grade II listed, where the only impact would be a slight modification to their setting. This is considered to be so minor as to not cause any material harm".

- 9.169 In conclusion, based on the submitted environmental information and taking into account the professional opinions of Wyre Council's and Lancashire County Council's heritage officers, including suggested conditions, it is considered that the Proposed Scheme would comply with Policy SP2 and Policy CDMP5 of the Local Plan and section 16 of the NPPF.

Other Issues

The Public Sector Equality Duty

- 9.170 There is a requirement for the Council to show that it has complied with the statutory duty under Section 149 of the Equality Act 2010 to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex and sexual orientation.
- 9.171 As noted above in this Committee Report, the Proposed Scheme will include access ramps where feasible within the design. It is accepted that temporarily during the construction phase, access restrictions will be experienced for users of the beach, promenade and Jubilee Gardens and Park. However, construction mitigation measures will be in place to help alleviate effects and overall, there is no overt reason why the Proposed Scheme would prejudice anyone with the protected characteristics as described within the paragraph above.

Claimed Impact on Damage to Properties due to HGVs using the Adopted Highway

- 9.172 Site visits have been carried out deemed necessary to determine this application but it is important to confirm that concerns relating to potential damage to private property, particularly if it already suffers from structural issues, is a private matter.

Alternatives Considered

- 9.173 The accompanying ES to the application explains that "various options were considered to manage coastal erosion and flood risk along the coastal frontage of Wyre during the development of both the works and the wider Phase 2 Wyre Beach and Dune Management Scheme". The types of management options

considered are shown in Appendix A of the ES, which outlines the environmental advantages and disadvantages of all options considered for the proposed works.

- 9.174 The ES explains that options associated with holding the existing line of defence were consulted on with the general public and stakeholder organisations, and were subject to further environmental, social and economic assessment, for example:
- Do minimum, continued maintenance and repair of the existing defences.
 - Rock armour toe protection at Rossall South to reduce the risk of undermining failure and breach of the existing seawall during periods when the beach levels along this frontage have lowered (most likely to occur during or following an extreme storm event).
 - Rock armour toe protection along Fleetwood North to reduce the risk of undermining failure and breach of the existing revetment.
- 9.175 As a result of further environmental information being submitted by the applicant, both Natural England and GMEU have confirmed no objections to the proposed scheme. However, both consultees advise on the implementation of additional mitigation measures to mitigate impacts on species and habitats, including qualifying features of European Sites as protected by the Conservation of Habitats and Species Regulations 2017 as amended (known as the Habitats Regulations). These requests relating to additional mitigation measures can be controlled through appropriately worded planning conditions.
- 9.176 Wyre Council as the competent authority under the provisions of the Habitats Regulations, have had regard to the potential impacts that the proposed scheme may have. Therefore, based on the advice and recommendations received from both Natural England and GMEU, Wyre Council as the competent authority, intend to adopt the submitted HRA and therefore fulfil their duty.

10.0 CONCLUSION

- 10.1 The application site comprises of five separate red line boundaries, which are all located within and along the edge of the settlements of Fleetwood and Cleveleys.
- 10.2 The Proposed Scheme would encroach on land designated as Green Infrastructure, however it is important to consider this in the context of existing infrastructure along the beach and promenade, in particular existing timber groynes and the Rossall North Coast Defence Scheme. It is also important to note that the construction compounds discussed within this Committee Report are temporary uses. Therefore the loss of these areas of green space to accommodate the compounds, would be temporary. The associated wider public benefits arising from the coastal defence beach management scheme outweigh the temporary loss of access to these areas of Green Infrastructure.
- 10.3 During consultation, the Environment Agency confirm that they have no objection to the Proposed Scheme in relation to flood risk. Wyre Council's engineering services also confirmed no objection to the Proposed Scheme. Their consultation response confirms that the Proposed Scheme is classed as 'water compatible' development and that the submitted FRA meets the appropriate requirements and no emergency plan assessment is required.
- 10.4 The Proposed Scheme is designed to prevent flooding, which could potentially be exacerbated by future climate change effects. As discussed in the supporting information to the application, the potential effects of climate change have also been considered in relation to the construction phase. It is therefore considered

that the proposal provides an appropriate response to climate change in accordance with the expectations of Policy SP2 of the Local Plan and the NPPF.

- 10.5 Overall, the predicted highways impacts and temporary access arrangements for pedestrians and cyclists, are considered to be acceptable, and have been balanced against the public benefits of the Proposed Scheme.
- 10.6 The Proposed Scheme will result in temporary disruption to local residents and existing businesses within close proximity to the proposed works due to the nature and size of the development with the associated compounds. However, the disruption impacts of the Proposed Scheme must be considered in balance against the wider public benefits with the significant benefit of flood risk protection for homes and properties in the area for future years. It is therefore considered that the significant public benefits of the Proposed Scheme outweigh the temporary adverse effects upon existing properties and premises in the area, and that appropriate planning conditions can seek to control and mitigation the temporary effects as far as is reasonably possible.
- 10.7 These site compounds will result in visual impact on a number of local receptors, including adjacent residential properties and business premises, views from (or experienced by) users of the Lancashire Coastal Way footpath and National Cycle Network Route 62, as well as other existing Public Rights of Way in proximity to these compounds. However, it is important to note that the siting of these compounds are not permanent in nature, and whilst they would cause visual impacts to the locality during the course of the construction phase, they are temporary and will be removed. These temporary visual impacts will be outweighed by the benefits of the resultant coastal defence beach management scheme. Subject to the imposition of appropriately worded conditions, the Proposed Scheme is considered acceptable when considered against Policies SP2, CDMP1, CDMP3 and CDMP4 of the adopted Local Plan (2023) and Part 12 of the NPPF.
- 10.8 In conclusion, based on the submitted environmental information and taking into account the opinions of Wyre Council's and Lancashire County Council's heritage officers, including suggested conditions, it is considered that the Proposed Scheme would comply with Policy SP2 and Policy CDMP5 of the Local Plan, section 16 of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires Planning Authorities to have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses.
- 10.9 In the overall planning balance, the adverse impacts identified within this Committee Report are considered to be outweighed by the positive aspects of the Proposed Scheme, most notably the public benefits of this coastal defence beach management scheme. The Proposed Scheme is therefore considered acceptable in this respect and, it is recommended that planning permission be granted. In making this recommendation, the Case Officer has examined the submitted environmental information, and has reached a reasoned conclusion on the potential adverse effects of the Proposed Scheme (Chapter 10).

11.0 HUMAN RIGHTS ACT IMPLICATIONS

- 11.1 ARTICLE 8 - Right to respect the private and family life has been considered in coming to this recommendation.
- 11.2 ARTICLE 1 of the First Protocol Protection of Property has been considered in coming to this recommendation.

12.0 RECOMMENDATION

- 12.1 That the submitted HRA and Appropriate Assessment outlined within the report is adopted by the Council
- 12.2 Grant planning permission subject to conditions

Recommendation: Permit Conditions: -

1. The development must be begun before the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 22.04.2022 including the following plans/documents:

- Application Form and Certificates
- Design and Access Statement / Planning Statement (including Statement of Community Involvement) (April 2022);
- Report to inform Habitats Regulations Assessment: Stage 1 Screening and Stage 2 Appropriate Assessment (December 2022);
- Environmental Statement (Including Non-Technical Summary) (August 2022);
- Environmental Statement Addendum (January 2023);
- Site Location Plan and Working Areas - Drawing No. WBMS/PH2/PL/01 - Rev A;
- Works Traffic Routes and Access Points - Drawing No. WBMS/PH2/PL/02 – Rev A;
- Jubilee Gardens Site Compound Details - Drawing No. WBMS/PL/03 - Rev A.
- Satellite Compound Details - Drawing No. WBMS/PH2/PL/04;
- Proposed Works General Layout (sheet 1 of 2) - Drawing No. WBMS/PH2/PL/05 Rev C2
- Proposed Works General Layout (sheet 2 of 2) - Drawing No. WBMS/PH2/PL/06 Rev C2
- Proposed Works Visualisation - Drawing No. WBMS/PH2/PL/07;
- Typical Groyne Construction Details - Plane and Sections - Drawing No. WBMS/PH2/PL/08
- Typical Groyne Long Section - WBMS/PH2/PL/09
- Dune Impacts in Relation to Works - Drawing No. C152562-DUNE-IMPACTS (2 Sheets) (August 2022)

The development shall be retained hereafter in accordance with this detail.

Reason: For the avoidance of doubt and so that the Local Planning Authority shall be satisfied as to the details.

3. No construction works or deliveries shall take place outside of the hours of 07.00am - 19.00pm Monday - Friday unless agreed in writing with the Local Planning Authority prior to any works outside of these hours taking place. Such agreement shall be sought in writing at least 24 hours before works are intended to take place

so that, if necessary, a temporary noise limit and mitigation can be agreed. Any works outside of these construction hours shall only take place in accordance with the agreed noise limit and mitigation.

Reason: In the interests of the amenity of occupiers of neighbouring and nearby residential properties in accordance with the provisions of Policy CDMP1 of the Wyre Local Plan (2011-31).

4. Prior to the commencement of development pursuant to this permission, other than the implementation of site compounds, an updated Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The updated CEMP shall include and specify the provision to be made to the following:
 - (a) Method Statement, detailing biosecurity measures to be taken to control the spread of invasive plant species during the course of works.
 - (b) Air quality management strategy specifically incorporating measures on dust management.
 - (c) Mitigation measures listed in section 7.2.7 of the submitted Report to inform Habitats Regulations Assessment: Stage 1 Screening and Stage 2 Appropriate Assessment (December 2022).
 - (d) Type of proposed screening and locations.
 - (e) Sensitive lighting strategy to include details of how low-level lights will be used and only within active work areas to avoid any disturbance to qualifying birds along the shoreline.

The proposed construction works shall be carried out in accordance with the approved CEMP.

Reason: To protect ecological designations and the existing road users and to maintain the operation and safety of the local highway network and to minimise the impact of the construction works on the local highway network.

In the interests of amenity, and help alleviate potential impacts on ecological receptors, in accordance with Policy CDMP1 and CDMP4 of the Local Plan (2023).

5. Prior to any development pursuant to this permission, other than the implementation of the site compounds, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. In addition to the details already provided in the draft Construction Traffic Management Plan, the final version should include details relating to:
 - Methods to restrict vehicle movements to defined access routes.
 - Temporary signage to be provided to inform the public of alternative parking availability as far as possible during construction.
 - Measures to minimise the impact of vehicles within the designated ecological sites during the construction of the groynes and beach recycling work.

The proposed construction works shall be carried out in accordance with the approved Construction Traffic Management Plan.

Reason: To maintain the operation and safety of the local highway network, and help alleviate potential impacts on ecological receptors, in accordance with Policy SP2; SP8; CDMP3, CDMP4 and CDMP6 of the Local Plan.

6. No development shall take place, other than the implementation of site compounds, until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological protection, investigation, recording and analysis. This must be carried out in accordance with an updated Written Scheme of Investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority. All archaeological works should be undertaken by an appropriately qualified and experienced professional archaeological contractor to the standards and guidance of the Chartered Institute for Archaeologists. Development should be undertaken in line with the details agreed.

The updated Written Scheme of Investigation shall include and specify the provision to be made to the following:

- How the archaeological exclusion zones will be established and policed; and
- What steps will be taken to ensure that unexpected remains will be identified during the works and an archaeological response triggered. This should include
 - (a) toolbox talks during site inductions to appropriate site managers, staff and sub-contractors; and
 - (b) the provision of a laminated quick-reference sheet for workers with brief notes and appropriate contact telephone numbers. A contingency agreement should be in place with the selected archaeological contractor(s) to allow for the deployment of an appropriate response team should it prove necessary.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site in accordance with Policy CDMP5 of the Local Plan

7. Prior to any development pursuant to this permission, other than the implementation of any site compound works, an outline Landscaping and Habitats Management & Monitoring Plan shall be submitted to and approved in writing by the Local Planning Authority. The outline plan shall include the following
 - The presence of an Ecological Clerk of Works (ECoW) during the preparatory works, construction works and site demobilisation works within Morecambe Bay SAC and known areas of Sabellaria reefs. The ECoW should ensure that all personnel working on site can recognise Sabellaria reefs and all habitats are avoided, and not impacted by the works.
 - Measures to ensure the ECoW will check for the presence of qualifying bird species associated with the above designated sites before any works within that location take place. The ECoW should also inform personnel on site prior to and during the construction works, about the ecological sensitivities of the site and qualifying species and habitats they rely on.
 - Measures to ensure the ECoW will check for the presence of nesting ringed plover during their breeding season (March to August inclusive) prior to the commencement of any works, to identify nesting patterns and to establish buffer zones around any active nest sites if required.
 - Measure to ensure the ECoW will check the area for qualifying species of the designated sites before any beach recycling works are carried out.

- The erection of information boards, to be installed during the construction and operational phases of the scheme which highlight the ecological sensitivities of the coastal frontage and designated sites.

The full Management Plan (to be agreed with the local planning authority prior to reinstatement of the scheme) shall include and specify the provision to be made for the following:

- Long-term management plans for re-created and enhanced habitats.

The proposed construction works shall be carried out in accordance with the approved Landscaping and Habitats Management & Monitoring Plan

Reason: To help alleviate potential impacts on ecological receptors, in accordance with Policy CDMP1 and CDMP4 of the Local Plan (2023)

8. Prior to the commencement of any beach recycling operations, a Landscaping and Habitats Management & Monitoring Plan shall be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall include and specify the provision to be made for the following:

- The restriction of the beach recycling area to the previously licensed extraction area, to ensure there is no impact from the beach recycling works to the nearby Sabellaria reef habitat.
- Details relating to timing restrictions to ensure beach recycling activities does not take place within the designated sites within one hour of high-tide, when the area available for the qualifying birds to roost or forage is greatly diminished.
- A Beach Management Plan to include a monitoring plan of the beach and dune extent. The Beach Management Plan should include details on monitoring of the dune extent following the construction of the scheme. The plan should include triggers and identify when management is needed, including a clear action plan for addressing any potential changes in habitat and likely causes.
- Beach reprofiling (If beach recycling works are required) to reduce the risk of draw down. This is to ensure the stability of the wider dune system.
- A Method Statement giving details of the measures to be taken to control the spread of invasive plant species

The proposed construction works shall be carried out in accordance with the approved Beach Management Plan

Reason: To help alleviate potential impacts on ecological receptors, in accordance with Policy CDMP1 and CDMP4 of the Local Plan (2023)

9. Within 2 months of the siting of the site compounds should they not be connected to mains foul and surface water drainage, an alternative drainage scheme which shall include a timetable for installation shall be submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall then be installed in accordance with the approved details. Thereafter the agreed scheme shall be retained, managed and maintained in accordance with the approved details for the duration of the site offices and welfare facilities being in use.

Reason: To promote sustainable development using appropriate drainage systems, ensure a safe form of development that poses no unacceptable risk of pollution to

water resources or human health, and to prevent an undue increase in surface water run-off to reduce the risk of flooding in accordance with Policies CDMP2 and CDMP3 of the Adopted Wyre Local Plan and the National Planning Policy Framework.

10. The use of the land at Jubilee Gardens and at Rossall Point Car Park for the site compounds shall be for use in association with the construction of the coastal defence beach management scheme incorporating a revetment system and beach control structure hereby approved, and within 6 months following completion of these permanent works, these compounds shall be removed and the land restored to its former condition, unless an alternative timetable for restoring the sites or alternative landscape/habitat creation areas is granted express planning permission by the Local Planning Authority.

Reason: For the avoidance of doubt, in the interests of the visual and residential amenity of the area in accordance with policy CDMP3 of the Wyre Local Plan.

Reasons: -

Notes: -

1. The presence of any significant contamination, which becomes evident during the development of the site, shall be brought to the attention of the Local Planning Authority.
2. The applicant is encouraged to discuss the suitability of any overland flow routes and/or flood water exceedance with the relevant highway authority should they have the potential to impact the public highway network and/or public highway drainage infrastructure (either existing or proposed).
3. Biodiversity Net Gain (BNG) Applicants are encouraged to include biodiversity net gain (BNG) within their proposals. Paragraphs 174 and 179 of the National Planning Policy Framework (NPPF) recognise that the planning system should provide net gains for biodiversity. By November 2023, providing a minimum 10% biodiversity net gain in new development will be a legal requirement due to provisions within the Environment Act 2021. Applicants should have regard to the latest planning practice guidance on BNG in new development proposals.
Control of emissions from Non-Road Mobile Machinery
Where development involves the use of any non-road going mobile machinery with a net rated power of 37kW and up to 560kW, that is used during site preparation, construction, demolition, and/ or operation, at that site, we strongly recommend that the machinery used shall meet or exceed the latest emissions standards set out in Regulation (EU) 2016/1628 (as amended). This shall apply to the point that the machinery arrives on site, regardless of it being hired or purchased, unless agreed in writing with the Local Planning Authority.
Use of low emission technology will improve or maintain air quality and support Local Planning Authorities and developers in improving and maintaining local air quality standards and support their net zero objectives.
The item(s) of machinery must also be registered (where a register is available) for inspection by the appropriate Competent Authority (CA), which is usually the local authority.
Non-Road Mobile Machinery includes items of plant such as bucket loaders, forklift trucks, excavators, 360 grab, mobile cranes, machine lifts, generators, static pumps, piling rigs, etc. The applicant should be able to state or confirm the use of such machinery in their application to which this then can be applied.
4. Natural England is aware that BNG is currently not a statutory requirement, and the delivery of ten per cent BNG will become mandatory for all new major development proposals in November 2023, following the Environment Act 2021 coming into force. Therefore we welcome the inclusion of BNG within this proposal.

The Environmental Statement includes the management of the invasive non-native species Japanese Rose in relation to BNG. It is advised the applicant may wish to

review the outputs from the wider Dynamic Dunescapes project round the best method to manage the Rosa Regosa.

Natural England is also aware that within the sand dunes surrounding the scheme, there is some unmanaged pathways through the dunes. There is therefore the potential to explore issues related to recreational disturbance and access through the scheme to enhance the BNG offer.

5. If the applicant intends to receive water and/or wastewater services from United Utilities, they should visit our website or contact the Developer Services team for advice. This includes seeking confirmation of the required metering arrangements for the proposed development.

If the proposed development site benefits from existing water and wastewater connections, the applicant should not assume that the arrangements will be suitable for the new proposal.

In some circumstances UU may require a compulsory meter is fitted. For detailed guidance on whether the development will require a compulsory meter please visit <https://www.unitedutilities.com/my-account/your-bill/our-household-charges-20212022/> and go to section 7.7 for compulsory metering.

If reinforcement of the water network is required to meet potential demand, this could be a significant project and the design and construction period should be accounted for. To avoid any unnecessary costs and delays being incurred by the applicant or any subsequent developer, UU strongly recommend the applicant seeks advice regarding water and wastewater services, and metering arrangements, at the earliest opportunity.

The applicant or developer should contact United Utilities' Developer Services team for advice if their proposal is in the vicinity of water or wastewater pipelines and apparatus. It is their responsibility to ensure that United Utilities' required access is provided within their layout and that our infrastructure is appropriately protected.