

# ARUN DISTRICT COUNCIL

## REPORT TO AND DECISION OF PLANNING POLICY COMMITTEE ON 6 OCTOBER 2021

### REPORT

**SUBJECT:** Coastal Change Management Area

**REPORT AUTHOR:** Roger Spencer – Engineering Services Manager

**DATE:** August 2021

**EXTN:** 37812

**AREA:** Technical Services

### EXECUTIVE SUMMARY:

Following Cabinet's approval, in October 2020, to allocate £30,000 to investigate the introduction of a Coastal Change Management Area (CCMA), the report contains a draft consultants' brief for endorsement by Members of the Committee. The intention is to examine the stages needed to be followed and potential implications when considering the introduction of a CCMA. The report will also seek endorsement of how Planning Applications for development in coastal flood and erosion risk areas should be addressed ahead of the formal consideration of introducing a CCMA.

### RECOMMENDATIONS:

#### That Planning Policy Committee agree:

1. The outline brief for the Coastal Change Management Area (CCMA) study (as set out in 1.14 to 18 as appropriate).
2. The timing of the study be scheduled for a start of procurement beginning October 2021, in order to accommodate the outcome of the Southern Regional Flood and Coastal Committee's decision on whether to provide extra funding and consequently, the final scope of the study.
3. The Engineering Services Manager in consultation with the Planning Policy Committee Chair and Group Head of Planning, be delegated authority to proceed with the necessary administrative procedures and procurement processes based upon Southern Regional Flood and Coastal Committee's funding decision.
4. The guidance as set out in the report under 'Interim Approach' be used to assess the development merits of all Planning Applications coming forward on the Pagham Beach Estate, with reference to the plan at Appendix 1 (as a material consideration) until such time as the Planning Policy Committee decides whether to introduce a CCMA.
5. Authorise the draw-down of any further Local Levy monies granted by the Southern Regional Flood and Coastal Committee for the CCMA work.

## 1. BACKGROUND:

- 1.1. A Cabinet report in November 2020 set out the situation at Pagham Beach, where the coastline and the coastal processes are dynamic, and that the interventions required to reduce the risk to residents and property are not predictable and are not seen as sustainable.
- 1.2. Cabinet recommended, in October 2020, to allocate £30,000 to investigate the stages necessary for the introduction of a Coastal Change Management Area (CCMA); this allocation was subsequently approved by Full Council.
- 1.3. The concept of a Coastal Change Management Area was also at the core of a bid to the Department for Environment, Food and Rural Affairs (Defra) Resilience and Innovation Fund. This report was therefore delayed until the outcome of the bid was known. The bid was unsuccessful and so a secondary approach has been made to the Southern Regional Flood and Coastal Committee, seeking match funding from the Local Levy administered by the Committee.
- 1.4. Initial indications are that the Committee will support such a bid. Unfortunately, a formal decision will not be made until October this year. In order that there is no further delay, two options are presented within this report; either proceed without extra funding, or delay until the extra funding bid is decided and then proceed with a fuller scope. There is little to be lost by delaying until October 2021.
- 1.5. Whilst this report deals with the subject of the introduction of a CCMA, it should be stressed that no decision is requested at this point on whether or not to introduce a CCMA. However, it would be prudent to better understand what would be involved in the process at an early date, in order for Members to be able to make an informed decision in the future.
- 1.6. A Coastal Change Management Area (CCMA) is defined in the National Planning Policy Framework 2021 (NPPF) Glossary as:

*“an area identified in plans as likely to be affected by physical change to the shoreline through erosion, coastal landslip, permanent inundation or coastal accretion”.*
- 1.7. The NPPF 2021 goes on to guide Local Planning Authorities by saying:

*171. Plans should reduce risk from coastal change by avoiding inappropriate development in vulnerable areas and not exacerbating the impacts of physical changes to the coast. They should identify as a Coastal Change Management Area any area likely to be affected by physical changes to the coast, and:*

  - (a) be clear as to what development will be appropriate in such areas and in what circumstances; and*
  - (b) make provision for development and infrastructure that needs to be relocated away from Coastal Change Management Areas.*

*172. Development in a Coastal Change Management Area will be appropriate only where it is demonstrated that:*

  - (a) it will be safe over its planned lifetime and not have an unacceptable impact on coastal change*

*(b) the character of the coast including designations is not compromised*

*(c) the development provides wider sustainability benefits and*

*(d) the development does not hinder the creation and maintenance of a continuous signed and managed route around the coast.*

1.8. Therefore, a case for introducing a CCMA can be driven by a change in Shoreline Management Plan (SMP) policy and the longer term impacts of Climate Change. This approach is supported by the material policies within the adopted Arun Local Plan 2018 (which are broadly consistent with the NPPF 2021). Specifically, Policy W DM4 'Coastal Protection' provides policy criteria for ensuring that coastal protection proposals meet other objectives and are in accordance with the SMP for the particular frontage affected.

1.9. The SMP is a high-level document that forms an important part of the Defra strategy for flood and coastal defence. It provides a large-scale assessment of the risks associated with coastal evolution and presents a policy framework to address these risks in a sustainable manner with respect to people and to the developed, historic and natural environment. The SMP for this area covers the coastline from Beachy Head to Selsey Bill and has been adopted by all of the relevant operating authorities in the area.

1.10. In the first iteration of the SMP (adopted 1997) the policy for the Pagham area was for 'No Active Intervention' (at that time there was no perceived need for intervention, as the coastline self-regulated). The first review of the SMP (SMP2 – 2006) revised the Policy to 'Hold the Line'. However, in the case of Pagham, the major changes in hydrodynamics, geomorphology, beach response, etc. have occurred largely post SMP2 completion.

[NB there is an ongoing Refresh of SMP2 but the work is to bring the SMP in line with current legislation, to better define the Policy Options etc. and no changes in Policy are involved, although there exists a separate, formal Policy Change Process].

1.11. There are a range of approaches for the introduction of a CCMA, these are both temporal, spatial and in terms of scope:

Timescale immediately after the introduction, the period of a CCMA may extend up to a number of years (potentially on a sliding scale depending on scope).

Area of development limitation to:

- those areas at immediate risk at the present time
- those areas that area at greatest identified erosion or flood risk (potential)
- those areas that are at greater risk than 'normal' (i.e. other local coastal areas) potentially the whole Beach Estate and beyond, as shown at Appendix 1 for indicative purposes.

Scope of development controlled (all types of development) may be from extensions and annexes, to redevelopment, to new development.

1.12. There is also scope within the limited guidance available not only to limit future development but also to move development away i.e. relocate. However, the

approach and limited funding mechanisms for this are not at all straightforward or well understood.

1.13. The experience of other Risk Management Authorities / Local Planning Authorities has been explored (e.g. Isle of Wight, Fareham & Hayling). These areas do not have the same temporal or spatial uncertainty as Pagham but relate to where the coastline is actually retreating, through coastal land instability, or to the threat of Sea Level Rise. However, the experience of others will be utilised where applicable.

1.14. Suggested Outline Briefs:

Without SRFCC funding

- describe the various stages of work (the journey to a CCMA recommendation) and provide case studies or worked examples - this is anticipated to include:
- establishing the need for this CCMA approach (identify flood/coastal erosion/combined risk), based upon documented geomorphology of the area (historic and future projections [with confidence limits]).
- define the geographic area for implementation – this may need to be in a zoned format.
- describe potential stages of implementation with associated timescales – this may be best presented in the form of a matrix.
- advise on the most appropriate approach (see 1.11 above).
- provide recommended decision points – this may need to take the form of a decision tree.

With SRFCC funding

- 1.15. The Local Levy bid is intended to facilitate the widening of the scope of the brief, to plan a suggested methodology for community engagement and to provide transferable knowledge for the benefit of other Local Planning Authorities and Risk Management Authorities considering introducing CCMA's around the Region.
- 1.16. Therefore, the extended brief would be as above (1.14) but with the addition of the requirement for the output to identify potential methodologies and recommendations for consultation options for Pagham.
- 1.17. Further, it would include the ability to shape and apply the results of the study outputs over a wider, regional area for the benefit of others also considering the introduction of CCMA's.
- 1.18. The final brief may be refined based upon the quality portion of the successful tender.
- 1.19. Contract – to be procured based on open invitation and under a quality : price assessment.
- 1.20. Study governance – the study would be awarded by Arun DC but with scope for inviting external partner/experts to input to, and review, draft outputs.
- 1.21. Interim Approach pending a decision by Planning Policy Committee following the proposed commissioned CCMA work. In order to limit inappropriate development

that could compromise, or be compromised by the introduction of a CCMA, the national policy (NPPF2021) provides a hook that can be used as a 'material consideration' (NPPF 2021 Paras 172 & 173, as above). Specifically, Policy W DM2 'Flood Risk' provides policy criteria for ensuring that development proposals in areas at risk of flooding meet the sequential tests and other flood risk safeguards, as well as Policy W DM4 'Coastal Protection' mentioned above at 1.8, relating to coastal erosion.

1.22. It is suggested that local development criteria be applied to Pagham Beach Estate as shown delimited on the Plan at Appendix 1 as follows:-

- All new development – Not permitted
- All redevelopment (new structure[s]) – not permitted where there is significantly raised level of risk now or in predictions covering the ensuing 5 years
- All redevelopment (new structure) – only permitted where there is a) No raised level of risk now or in predictions covering the ensuing 5 years and b) no occupier density increase - finished floor levels to be at least 300mm above predicted flood levels in all cases
- Reconstruction (using substantial portions of the existing building – e.g. re-roofing or fenestration) – permitted with increased property level protection where practicable
- Non-habitable development – e.g. garages, porches, non-habitable annexes permitted where otherwise allowed – conditioned upon continuing non-habitable status
- Other risk reduction related development – permitted where otherwise allowed.

## **2. PROPOSAL(S):**

That Committee:

1. The outline brief for the Coastal Change Management Area (CCMA) study (as set out in 1.14 to 18 as appropriate).
2. The timing of the study be scheduled for a start of procurement beginning October 2021, in order to accommodate the outcome of the Southern Regional Flood and Coastal Committee's decision on whether to provide extra funding and consequently, the final scope of the study.
3. The Engineering Services Manager in consultation with the Planning Policy Committee Chair and Group Head of Planning, be delegated authority to proceed with the necessary administrative procedures and procurement processes based upon Southern Regional Flood and Coastal Committee's funding decision.
4. The guidance as set out in the report under 'Interim Approach' be used to assess the development merits of all Planning Applications coming forward on the Pagham Beach Estate, with reference to the plan at Appendix 1 (as a material consideration) until such time as the Planning Policy Committee decides whether to introduce a CCMA.

5. Authorise the draw-down of any further Local Levy monies granted by the Southern Regional Flood and Coastal Committee for the CCMA work..		
<b>3. OPTIONS:</b>		
<p><b>A</b> to appoint consultants to undertake a study with the output being a guide to the various options for the introduction of a Coastal Change Management Area or</p> <p><b>B</b> Not undertake a study and consider the need for a Coastal Change Management Area at some time in the future potentially without the benefit of knowing all of the possibilities and implications</p> <p><b>And then</b></p> <p>1 Await the outcome of the Southern Regional Flood and Coastal Committee's deliberations on providing extra funding to widen the scope of any study or</p> <p>2 To proceed on the basis of the available funding being as set out in the November 2020 Cabinet Minute.</p>		
<b>4. CONSULTATION:</b>		
Has consultation been undertaken with:	<b>YES</b>	<b>NO</b>
Relevant Town/Parish Council		✓
Relevant District Ward Councillors	Notified	
Other groups/persons (please specify)		✓
<b>5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)</b>	<b>YES</b>	<b>NO</b>
Financial		✓
Legal		✓
Human Rights/Equality Impact Assessment	EIA completed	
Community Safety including Section 17 of Crime & Disorder Act		✓
Sustainability	✓	
Asset Management/Property/Land	✓	
Technology		✓
Other (please explain)		✓
<b>6. IMPLICATIONS:</b>		
Human rights: No significant adverse impacts		
Sustainability: Output of study will inform evidence and justification for decisions on development sustainability in Arun in order to prevent development in inappropriate areas, and manage such development away to less vulnerable areas in order to protect coastal communities from flooding or causing flooding elsewhere; and		

Asset Management/Property/Land: The output of the study may give direction on how assets are managed into the future.

**7. REASON FOR THE DECISION:**

To enable the timing and scope of the outline brief and the identification and examination of the stages needed to be followed and potential implications, when considering the introduction of a CCMA.

**8. BACKGROUND PAPERS:**

Equality Impact Assessment

Shoreline Management Plan (Beachy Head to Selsey Bill) - <https://se-coastalgroup.org.uk/shoreline-management-plans/>

Engineering Services Annual Review 2020 - [Agenda for Cabinet on Monday 19th October 2020, 5.00 pm - Arun District Council](#) – Item 9