

Location plan







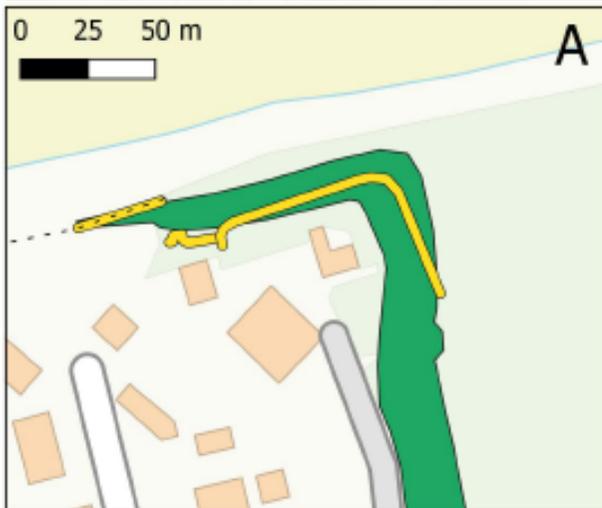








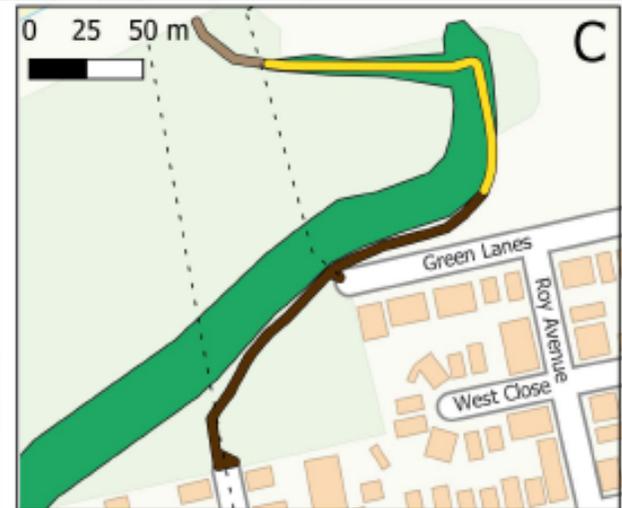
# Public ramps and pathways for the Central Prestatyn Coastal Defence Scheme



Ramps linking Garford Road Car Park to promenade and Golf Club buildings, and ramp linking Golf Club buildings to the golf course.



Ramp and steps over embankment join with existing ground level path through golf course to promenade.



Existing ground level improved path runs adjacent to embankment, and links Terfyn Pella Avenue and Green Lanes to a ramp over the embankment to the promenade.

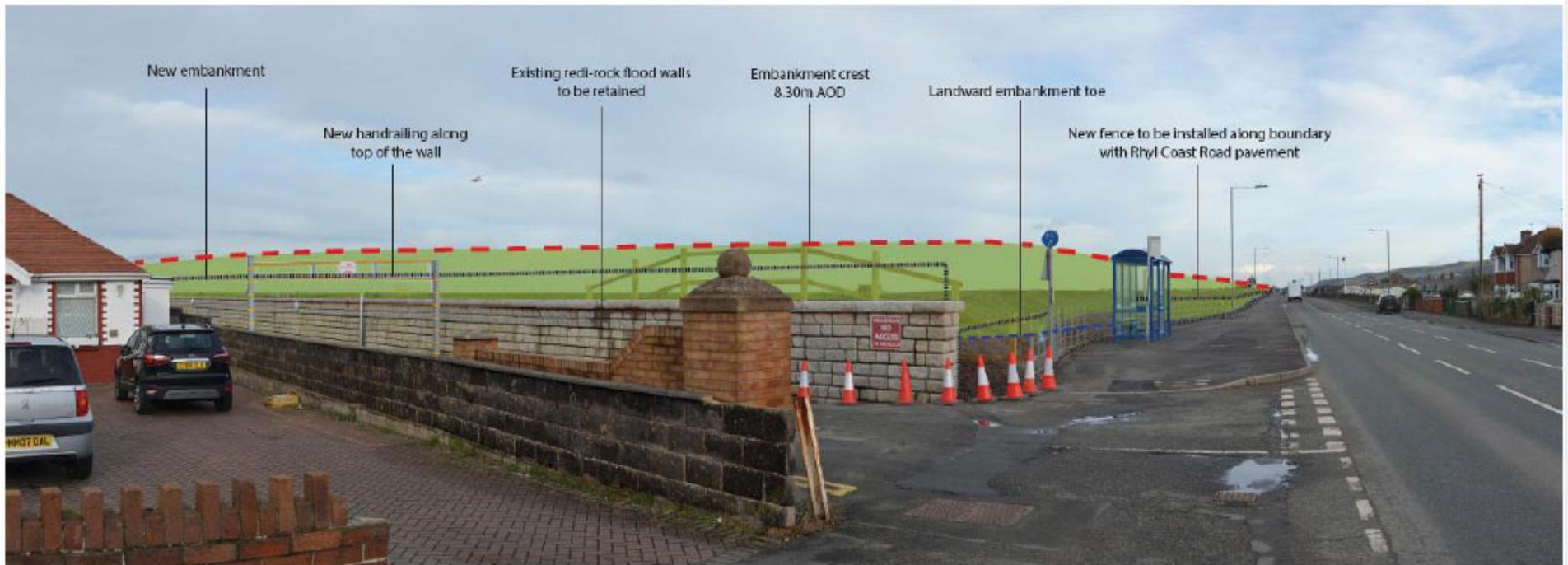
## Key

- Ramp
- Steps
- Existing path
- Improved path
- Embankment footprint
- - - Public right of way

Non-technical indicative plan - not to scale

# Proposed locations of ramps and pathways over embankment





Visualisation of proposed view along Rhyl Coast Road





View of site from along Rhyl Coast Road





View of site from along Rhyl Coast Road





View from along Rhyl Coast Road (NRW pumping station in distance)





View of site from along Rhyl Coast Road





View of site from along Rhyl Coast Road





End of Terfyn Pella Ave





End of Terfyn Pella Ave





Existing informal footpath across golf course from Terfyn Pella Ave





Existing informal footpath across golf course from Terfyn Pella Ave





Green Lanes properties facing golf course





Existing footpath across golf course (looking back towards dwellings)





View from promenade across golf course to Tefyn Pella Ave / Green Lanes





View across site from Promenade





View of NRW pumping station from promenade





View from along promenade





View from Promenade towards golf clubhouse



**WARD :** Rhyl East

**WARD MEMBER(S):** Cllr Barry Mellor & Cllr Justine Evans

**APPLICATION NO:** 45/2021/1248/ PF

**PROPOSAL:** Development of 5 Ha of land to form Coastal Defence scheme comprising of the formation of flood embankments, ramps, outfall structures and rock armour including landscaping, habitat enhancements, works to existing culverts and associated works ('Central Prestatyn Coastal Defence Scheme')

**LOCATION:** The Coastal Frontage at Rhyl Golf Club, Rhyl Coast Road, Rhyl

**APPLICANT:** Mr Wayne Hope, Denbighshire County Council

**CONSTRAINTS:** C2 Flood Zone  
C1 Flood Zone  
PROW  
Article 4 Direction

**PUBLICITY UNDERTAKEN:** Site Notice - Yes  
Press Notice - Yes  
Neighbour letters - Yes

**REASON(S) APPLICATION REPORTED TO COMMITTEE:**

**Scheme of Delegation Part 2**

- Recommendation to grant / approve – 4 or more objections received

**CONSULTATION RESPONSES:**

**RHYL TOWN COUNCIL**

*Initial consultation response:*

No objection.

*Re-consultation response:*

No objection

**PRESTATYN TOWN COUNCIL**

*Initial consultation response:*

Observations

Councillors were informed this development is to protect houses in Prestatyn. Some residents believe it will affect their visual amenities, but development is needed to protect from flooding.

*Re-consultation response:*

Previous Observations still stand. Concern over possible flooding caused to other areas.

**NATURAL RESOURCES WALES**

*Initial consultation response:*

Recommends the imposition of 2 no. conditions to satisfy concerns relating to Protected Sites and Land Contamination, for reasons summarised below:

Protected Site

Following European Protected Sites within 5km of the proposal:

1. Liverpool Bay/Bae Lerpwl Special Protection Area (SPA)
2. The Dee Estuary European Marine Site, which includes: Dee Estuary SPA
3. Dee Estuary/Aber Dyfrdwy Special Area of Conservation (SAC)
4. Dee Estuary Ramsar site

NRW concur with the conclusions of the shadow Habitats Regulation Assessment and note an Appropriate Assessment has been undertaken with respect to Liverpool Bay SPA.

NRW advise that a detailed Construction Environmental Management Plan (CEMP) is required to ensure no adverse effects on the integrity of Liverpool Bay SPA, alone or in-combination with other plans or projects, which should be secured by condition.

#### Water Framework Directive (WFD)

NRW are content with the applicant's WFD assessment. NRW do however note that the risk of spills (and potential to release EQSD chemicals) has not been assessed and recommend that this is included for completeness, which should be included in the Construction Environment Management Plan (CEMP).

#### Land Contamination

NRW have reviewed the Ground Investigation Report and are satisfied with the assessment and conclusions.

NRW would advise that a condition should be imposed to deal with unsuspected contamination should it be reviewed during construction.

#### Flood Risk

NRW Flood Risk Map confirms the site to be within Zone C1 and C2 of the Development Advice Map (DAM) contained in TAN15. Section 6 of TAN15 requires the Local Planning Authority to determine whether the development at this location is justified against the tests set out in section 6.2 of TAN15.

NRW fully accept that the proposal will reduce future flood risk to the people and their properties and possessions from tidal inundation and welcome the investment. However, the scheme is likely to cause detriment to Rhyl Pumping Station (Rhyl P.S), a flood risk management asset to reduce river (or fluvial) flood risk to Rhyl and Prestatyn, which is required to assist with discharging flows from Rhyl Cut into the sea.

NRW note their preferred option would have been for the existing sea defences to have been maintained and improved along the same footprint. This would have ensured that Rhyl P.S. would not be placed at additional risk. Future improvements and options for Rhyl P.S would need to be addressed by Natural Resources Wales. However, the applicant's response in the PAC Report advises that improvements along the frontline defence is not feasible/affordable as a scheme and would not qualify for Welsh Government funding. It also states that the 'do nothing' option may lead to failure of the defences (approx. 10-15 years) which would compromise the pumping station.

The future scenarios (40years+) for the Rhyl P.S. shows that with or without the scheme the pumping station will flood internally from sea flooding and be unmanageable i.e. would not operate and pump fluvial waters. Therefore, the authors advise that the scheme cannot reduce tidal risk to the Rhyl P.S without building a frontline defence, which is unaffordable. There is existing tidal risk to the Rhyl P.S and this scheme does not materially increase this risk.

Having reviewed the responses, NRW advise that they are currently preparing a Strategic Outline case for Rhyl and Prestatyn to manage flooding from main rivers and Rhyl P.S will form a large part of strategy discussions. NRW therefore accept that the flood risk associated with the scheme has been addressed through the FCA and the responses contained in the PAC Report.

With regards to works to strengthen the culvert of the Rhyl Cut, this will be subject to a separate Flood Risk Activity Permit from NRW under the Environmental Permitting (England and Wales) Regulations 2016 along with the embankment. It is noted and welcomed that an access ramp is to be provided to ensure that NRW will continue to have access to the Rhyl P.S and this will be required during the construction works. NRW require 24hour 7-day access to our asset and note that the location of the access points in the additional information (Drawing No. CP-JBA-01-00-DR-C-2101) is consistent with what has been previously submitted. The

applicant has confirmed that vehicular access will be maintained for NRW at access ramp from Garford Road.

#### European Protected Species (EPS)

NRW have reviewed the ecological reports submitted in support of this proposal and consider protected species surveys and assessments to have been satisfactorily carried out. We concur with the conclusions and recommendations.

Based on the information provided, NRW consider that the proposal would not be likely to be detrimental to the maintenance of any local populations of European Protected Species at a favourable conservation status in its natural range.

#### *Updated consultation response:*

NRW raised concerns in relation to the impact the scheme may have on the Rhyl pumping station and in particular future access provisions.

During recent discussions between NRW and DCC it became apparent that access to the pumping station may become compromised and possibly severed post-construction of the new set-back bund (following a possible breach of the existing sea wall). This would affect the current and future operations on how the proposed scheme will impact fluvial flood risk associated with the effective operation of our pumping station.

Whilst NRW are supportive of the scheme in reducing flood risk from tidal inundation by partner Risk Management Authority, NRW must ensure the risk to the pumping station and their ability to access the pumping station is maintained, whilst plans are put in place to potentially relocate the pumping station. This issue has only come to light following recent on-site discussions and hence the need for late representations.

#### *Re-consultation response:*

Pending at the time of drafting the Committee Report.

#### DWR CYMRU / WELSH WATER (DCWW)

The site is crossed by watermains, and no operational development will be permitted in the easement of the public watermains without DCWW approval.

Public sewers and a rising main also cross the site.

DCWW note the proposed plans would be within the easement of the public watermain, and therefore condition and advisory notes are required to protect DCWW assets.

#### *Addendum consultation response:*

For the area concerning the 8 inch watermain outside the golf club, DWCC advise they would be happy with a condition to secure details of a method statement and risk assessment for the protection of the watermain.

#### CLWYD POWYS ARCHAEOLOGICAL TRUST (CPAT)

CPAT advise that a robust WSI and Archaeological Mitigation Protocol is included in the application documents. This WSI and protocol has previously been approved by CPAT. CPAT recommend a condition to ensure agreed archaeological mitigation and reporting is carried out.

#### THE COAL AUTHORITY

No observations. The application site does not fall within the defined Development High Risk Area and is located instead within the defined Development Low Risk Area.

#### ORSTED (BURBO BANK EXTENSION OFFSHORE WINDFARM OPERATOR)

Advise they have apparatus within the site and if proposal involves building works within 10 metres of apparatus, notice should be given in advance of works.

## WALES & WEST UTILITIES LIMITED

Advise they have gas mains in the vicinity of the site which may be affected by the development.

## DENBIGHSHIRE COUNTY COUNCIL CONSULTTEES –

Traffic, Parking and Road Safety:

- Highways Officer:  
No objection, subject to condition being imposed to secure a Construction Method Statement/
  
- Footpaths Officer:  
The site is crossed by a number of recorded public rights of way and other paths that have no recorded public rights. Two public footpaths are crossing the line of the new sea defence. Path 48 Prestatyn (fp), Path 12 Rhyl (fp) that also impacts on Path 49 Prestatyn (fp) and path 11 Rhyl (fp). The paths will not be diverted and will remain in situ after the works are completed. However, the change in ground levels which will be resolved by the introduction of new graded ramps and steps allowing access on and over the new sea defence and so the impact on users will be negligible. In addition, the new paths, shown on the Ramps and Pathways plan in inset C, accessing the bank will improve access to the Wales Coastal Path from Terfyn Pella and path 12 for existing and future users with mobility limitations. The Rights of Way team supports the proposal as it will bring improvements to the local path network with no detriment to path users.

Public Protection Officer:

Public Protection Officers have advised there are elements that need to be controlled or require more detail, i.e. hours of work and deliveries of materials, top soil storage, the noise and vibration monitoring, but happy for this issues to be dealt with through construction method statement which can be conditioned.

Also wants a commitment to arranging quarterly meeting as a requirement of the construction method statement to discuss complaints and the site's response to complaints.

Ecology Officer:

Having reviewed the proposals and associated ecological report, recommend that conditions are imposed to secure adherence to the Ecological Impact Assessment recommendations and submission of an Ecological Compliance Audit to ensure that there are no negative impacts on protected species or the nature conservation value of the site, and all reasonable steps have been taken to maintain and enhance biodiversity as required by Section 6.4 of Planning Policy Wales, Edition 11.

## RESPONSE TO PUBLICITY:

### In objection

Representations received from:

Graham Plummer, 51 Green Lanes, Prestatyn  
David Burnell, 2 Terfyn Pella Avenue, Rhyl  
Nigel Bakewell, 436 Rhyl COast Road, Rhyl  
Mr P Jannell, 1 Terfyn Pella Avenue, Rhyl  
Margaret Hampson, 53 Greens Lane, Prestatyn  
Mellor Ivor, 37 Greens Lane, Prestatyn  
Kerry Roberts, 66 Llandaff Drive, Prestatyn  
Paul Penlington, 9 The Dell, Prestatyn  
Karin & Bruno Lappa, 15 Green Lanes, Prestatyn  
Jane Stacey, 61 Green Lanes, Prestatyn  
Mike Stacey, 61 Green Lanes, Prestatyn  
John Hughes, 64 Fforddisa, Prestatyn  
Jane Stacey, 61 Green Lanes, Prestatyn  
Martin Barrett, 7 Terfyn Pella Avenue  
Mr P Farrell, 1 Terfyn Pella Avenue, Rhyl  
Carol & Gordon Hague, 6 West Close, Prestatyn  
Vanessa Lindley, 8 West Close, Rhyl  
David Broadhead, 8 West Close, Prestatyn  
Ivor Mellor, 37 Green Lanes, Prestatyn

Summary of planning based representations in objection:

Principle:

- Against planning policy and case law.

Design:

- Embankment should go along the front of the Golf Course, not close to residential property - interests of the Golf Course has been given priority over interest of neighbours. Seems illogical, as given sea level rises, the golf course will be flooded eventually.
- Other options not explored – e.g. extending sand dunes across golf course or improving existing sea defences instead. Improving sea defences would be better long term option.
- NRW's preferred option would be to improve existing defences, not the bund proposed.
- Designed to fit the needs of the Council, not the best flood risk management solution (i.e. to fit the land lease to the golf course).
- Cost should not be a factor.
- Proposal fails to take into account TAN12 with respect to good design.
- Query regarding who will maintain the bund.

Highways / Parking:

- Works would result in an increased usage of the footpath from Tefryn Pella Ave, causing parking problems along cul de sac.

Residential amenity

- Overlooking from raised footpath over the eastern section of the embankment towards residential properties and gardens would detrimentally impact on privacy and amenity of residential properties which are adjacent to the site (Green Lanes, Tefryn Pella Ave)
- Proposal would result in an increased use of footpaths and increased noise and disturbance from users of the footpath would adversely impacting residential amenity (walkers, bikes, scooters, skateboards etc.)
- Embankment should go along the front of the Golf Course, not close to residential property.
- Loss of outlook from windows and gardens.
- No residential visual amenity assessment undertaken. Whilst no individual has the right to a particular view, there comes a point when, by virtue of the proximity, size and scale of a given development, a residential property would be rendered so unattractive a place to live that planning permission should be refused. The test of what would be unacceptably unattractive should be an objective test. This can only be assessed through a residential visual amenity assessment and therefore the proposal has not satisfactorily assessed impact on residential amenity, and application is not fit for purpose.
- LVIA identifies residential receptor viewpoints (Green Lanes, Tefryn Pella Ave, Rhyl Coast Road and A548 next to clubhouse) to be highly sensitive to change, and impact on residential receptors would be moderate to substantial adverse.
- Detrimental to tranquillity currently enjoyed by local residents.
- Adverse impact on mental health of local residents.
- Security concerns

Public right of way / footpaths

- Query about boundary treatment at end of Tefryn Bella Ave. Would like bollards at the end of the cul de sac, and new planting for birds and wildlife.
- Concern about loss of footpaths
- Query regarding who will be responsible for maintaining the footpaths (PROWs and informal footpaths)

Ecology

- Adverse impact on ecology.

Other:

- Infringes on easements currently enjoyed by residents allowing access to the sea from their property.
- Insufficient public consultation carried out.

**EXPIRY DATE OF APPLICATION: 17/02/2022**

**EXTENSION OF TIME AGREED: 13/07/2022**

**REASONS FOR DELAY IN DECISION (where applicable):**

- additional information required from applicant
- re-consultations / further publicity necessary on amended plans and / or additional information
- awaiting consideration by Committee

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

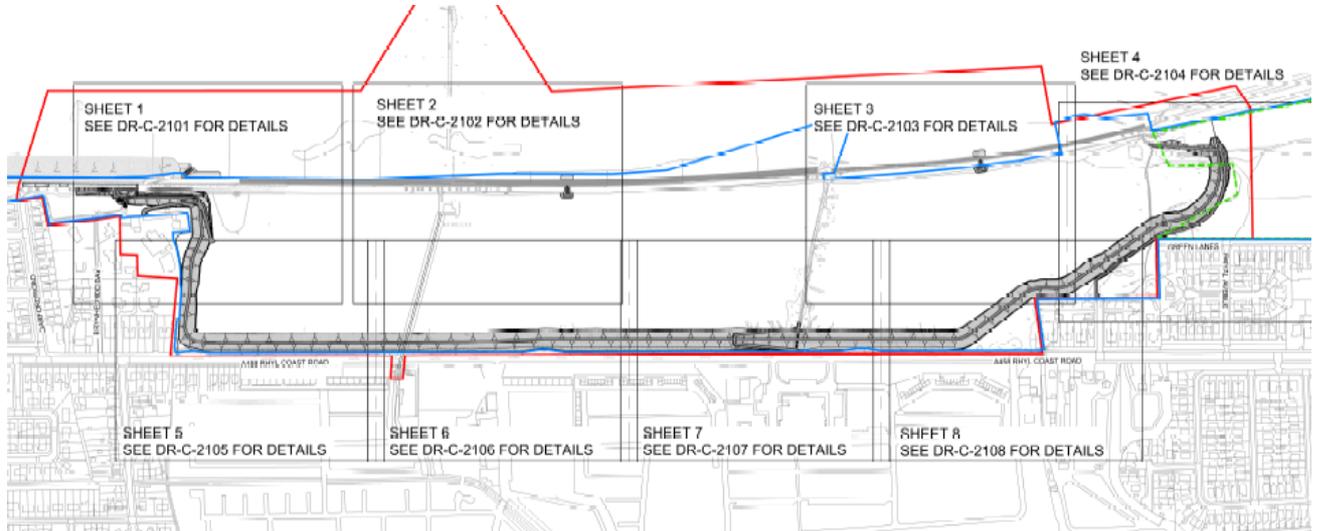
1.1 Summary of proposals

- 1.1.1 The proposal is for a new coastal flood defence scheme which take the form of an earth embankment which is proposed to be set back from the existing front-line coastal flood defences, and which is referred to as the 'Central Prestatyn Coastal Defence Scheme'.
- 1.1.2 The Design and Assessment Statement (DAS) confirms an assessment of the existing defences at Prestatyn has identified a particularly poor section of defence fronting Rhyl Golf Club. This is where the defences are in poorest condition with evidence of beach lowering, exposing the toe of the existing defences, leaving it vulnerable to undermining.
- 1.1.3 The DAS goes on to state the flood risk at Prestatyn is likely to increase over time as water levels rise and the risk of wave overtopping becomes greater as a result of climate change, and the proposed new coastal embankment has been designed to protect 2297 residential and 86 commercial properties at risk from the 1 in 200-year flood event in 2121.
- 1.1.4 The scheme involves:
- The creation of a new flood embankment set back from the existing defence, surrounding the western, southern and eastern boundaries of Rhyl Golf Course, adjacent to Rhyl Coast Road. The proposed embankment is approximately 1.66 km long with a typical sloped gradient of 1 in 3 and a crest width of 3m. The final build level of the embankment crest will be approximately 8.30m AOD (2.5m to 3m high depending on ground levels). The width of the embankment footprint is approximately 26m.
  - Rock armour is proposed at the western end of the scheme along the toe of the existing stepped revetment, providing erosion protection around the slipway. Work includes a western tie-in culvert and headwalls;
  - The construction of three new ramp structures to provide access over the embankment;
  - Improvements to the existing culvert owned by NRW, (internal lining and a membrane over the alignment of the culvert) as it crosses the land over the golf course which spans beneath the proposed embankment to ensure the culvert continues to operate in discharging water from Rhyl Cut to a pumping station and then out to sea; and

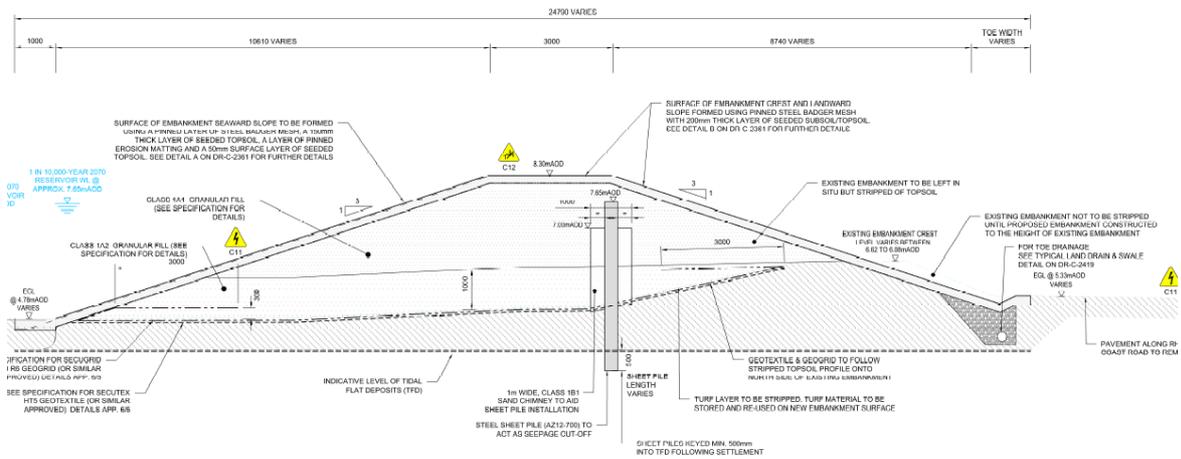
- The construction of two new outfall structures along the existing frontline coastal defence.

1.1.5 Habitat enhancements also form part of the proposals.

1.1.6 Extract from location plan:



1.1.7 Typical section through the proposed embankment along Rhyl Coast Road:



1.1.8 Location of proposed ramps and footpaths over the embankment:



## 1.2 Other relevant information/supporting documents in the application

1.2.1 In addition to plans and drawing, the application is supported by the following documents:

- Design and Access Statement
- Pre-application Consultation (PAC) Report
- Flood Consequences Assessment
- Noise & Vibration Assessment
- Landscape and Visual Impact Assessment
- Ground Investigations Report
- Archaeological Assessment
- Preliminary Ecological Assessment
- Environmental Impact Assessment
- Breeding Bird Survey Report
- Great Crested Newt Report
- Reptile Report
- Confidential Badger Report
- Y Ffrith County Wildlife Site (CMS) condition assessment
- Water Framework Directive Assessment
- Habitat Regulations Assessment Final Report
- Additional supporting statements in response to public consultation responses and NRW updated response.

## 1.3 Description of site and surroundings

1.3.1 The site is located at Rhyl Golf Club which consists of the golf course and includes areas of scrub, swamp, dune, and amenity grassland.

1.3.2 The Rhyl Coast Road runs along the southern boundary of the site with the Lyons Holiday Park on the opposite side of the road. The coastal promenade running along the northern boundary, with the beach beyond.

1.3.3 The golf clubhouse and associated buildings are located at the western side of the site along with a pond at the north-western side of the site.

1.3.4 The site also lies adjacent to residential streets to the east and west, with dwellings along Terfyn Pella Avenue and Green Lanes abutting the site to the east and dwellings along Rhyl Coast Road abutting the site to the west.

1.3.5 An existing approx. 1m high earth bund extends from the southwestern corner of the site, running parallel to the southern boundary adjacent to the Rhyl Coast Road to approximately the mid-way point along the golf course.

1.3.6 A National Resources Wales (NRW) pumping station is located adjacent to the northern boundary of the Golf Course, which pumps the Rhyl Cut Pumphouse Leg watercourse to the sea.

1.3.7 The Wales Coastal Path and Route 5 of the National Cycle Network (NCN) extend along the promenade adjacent to the northern boundary of the site.

1.3.8 A cycleway and footpath can be found approximately central within the site, linking the A548 (Rhyl Coast Road), through the golf course to the Wales Coast Path, Route 5 of the NCN and the promenade.

1.3.9 Two public rights of way (PRoW) are present at the eastern side of the golf course, linking residential areas, Terfyn Pella Avenue (PRoW 207/12) and Green Lanes (PRoW 205/48) to the Coast Path and the promenade. A further PRoW (PRoW 205/49) is present at the northeastern corner of the site, connecting Y Ffrith Wildlife Site, through the dunes to the promenade. PRoW (207/11 PRoW) is present at the western side of the site, linking Garford Road to the promenade.

#### 1.4 Relevant planning constraints/considerations

- 1.4.1 The site lies outside of the Rhyl development boundary in an area of Green Barrier and is designated as recreation and open space in the LDP. The site is also an area at risk of coastal flooding.
- 1.4.2 Public footpaths cross the site and the promenade along the northern boundary forms part of the North Wales Coastal Path promoted route.
- 1.4.3 A Local Wildlife site (D011 Y Ffirth - sand dunes, damp grassland and scrub with uncommon plants) is located to east of the site boundary, and the site partially encroaches into the designated site (north-eastern corner of the site) and the Liverpool Bay SPA lies offshore to the north of the site.
- 1.4.4 There are also three records on the Historic Environment for the site.

#### 1.5 Relevant planning history

- 1.5.1 Planning permission for a high voltage underground cable connecting to the Burbo Bank Extension Offshore windfarm lies within the eastern section of the site, which was granted in 2013.

#### 1.6 Developments/changes since the original submission

- 1.6.1 Minor amendments to the scheme were made during the course of the application and amended plans have been submitted. Additional supporting statements have been submitted in response to public consultation responses.

- 1.6.2 The application has been subject to re-consultation.

#### 1.7 Other relevant background information

- 1.7.1 None.

## 2. **DETAILS OF PLANNING HISTORY:**

- 2.1 None of relevance.

## 3. **RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

### **Local Policy/Guidance**

Denbighshire Local Development Plan (adopted 4<sup>th</sup> June 2013)

**Policy RD2** – Green Barriers

**Policy BSC11** – Recreation and open space

**Policy PSE13** – Coastal tourism protection zones

**Policy VOE1** - Key areas of importance

**Policy VOE5** – Conservation of natural resources

**Policy ASA3** – Parking standards

### **Supplementary Planning Guidance**

Supplementary Planning Guidance Note: Conservation and Enhancement of Biodiversity

Supplementary Planning Guidance Note: Parking Requirements In New Developments

Supplementary Planning Guidance Note: Trees & Landscaping

### **Government Policy / Guidance**

Planning Policy Wales (Edition 11) February 2021

Development Control Manual November 2016

Future Wales – The National Plan 2040

Technical Advice Notes:

TAN 5 Nature Conservation and Planning (2009)

TAN 11 Noise (1997)

TAN 12 Design (2016)

TAN 13 Tourism (1997)  
TAN 14 Coastal Planning (1998)  
TAN 15 Development and Flood Risk (2004)  
TAN 18 Transport (2007)  
TAN 24 The Historic Environment (2017)

#### 4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Section 9.1.2 of the Development Management Manual (DMM) confirms the requirement that planning applications 'must be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise'. It advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned. The DMM further states that material considerations can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Section 9.4).

The DMM has to be considered in conjunction with Planning Policy Wales, Edition 11 (February 2021) and other relevant legislation.

Denbighshire County Council declared a climate change and ecological emergency in July 2019. In October 2020 the Council approved an amendment of its Constitution so that all decisions of the Council now have regard to tackling climate and ecological change as well as having regard to the sustainable development principles and the well-being of future generations.

The Council aims to become a Net Carbon Zero Council and an Ecologically Positive Council by 31 March 2030. Its goal and priorities are set out in its Climate and Ecological Change Strategy 2021/22 to 2029/30. The actions, projects and priorities in the Strategy directly relate to council owned and controlled assets and services. One priority of the Strategy is to promote the existing policies within the Local Development Plan (LDP) 2006 to 2021 and Supplementary Planning Guidance (SPG) which contribute to environmentally responsible development. In preparing these reports to determine planning applications we therefore highlight the LDP 2006 to 2021 and appropriate SPG. Applications that are determined in accordance with the LDP 2006 to 2021 are environmentally responsible developments.

Planning applications are assessed in accordance with statutory requirements including The Environment (Wales) Act 2016, national policy (Future Wales, PPW 11) and local policy (LDP 2006 to 2021) and therefore they are assessed with regard to tackling climate and ecological change which is a material consideration.

The following paragraphs in Section 4 of the report therefore refer to all statutory requirements, policies and material planning considerations which are considered to be of relevance to the proposal.

4.1 The main land use planning issues in relation to the application are considered to be:

- 4.1.1 Principle
- 4.1.2 Visual amenity
- 4.1.3 Residential amenity
- 4.1.4 Ecology
- 4.1.5 Drainage (including flooding)
- 4.1.6 Highways (including access and parking)
- 4.1.7 Archaeology

4.2 In relation to the main planning considerations:

- 4.2.1 Principle  
Future Wales Policy 8 – Flooding states: *“Flood risk management that enables and supports sustainable strategic growth and regeneration in National and Regional Growth Areas will be supported. The Welsh Government will work with Flood Risk*

*Management Authorities and developers to plan and invest in new and improved infrastructure, promoting nature-based solutions as a priority. Opportunities for multiple social, economic and environmental benefits must be maximised when investing in flood risk management infrastructure. It must be ensured that projects do not have adverse impacts on international and national statutory designated sites for nature conservation and the features for which they have been designated.”*

Future Wales states the Welsh Government favours nature-based flood risk management over engineered solutions wherever possible, working in harmony with aspirations to develop green infrastructure and to provide a net benefit for biodiversity. Flood risk management authorities and other developers of flood risk management infrastructure are required to maximise opportunities to develop multiple public benefits including improved public realm, active travel facilities and securing green infrastructure. Places in flood warning areas are considered at risk of flooding from rivers or the sea.

Planning Policy Wales at 6.6.28 states: “New or improved flood defences in coastal and/or riverside locations should be carefully planned, ensuring all potential environmental effects, both on and off-shore, and relevant Shoreline Management Plan policies are taken into account. Flood defence works can provide opportunities to achieve wider social, economic and environmental benefits, which should be maximised where possible. Nature based solutions should be the first consideration given the opportunity to deliver other multiple benefits, including habitat creation, biodiversity enhancement and water quality improvements. Overall, green infrastructure opportunities can benefit ecosystem resilience and provide opportunities for leisure facilities or renewable energy generation.”

There are no specific policies in the LDP which relate specifically to coastal defence works, however Policy PSE 1 seeks to support proposals within the North Wales Coast Strategic Regeneration area which help to achieve the criteria set out in the policy.

The site lies within the Green Barrier and is designated recreational land within the LDP and therefore LDP Policy RD2 and BSC11 apply.

Whilst representations from the public have not challenged the need for new flood defences, concerns have been raised with the choice of an earth embankment, rather than upgrades to the existing coastal defences, and its alignment around the golf course, which brings it close to residential properties, rather than a linear embankment across the golf course.

The principle of new coastal flood defences is supported by Future Wales Policy 8

Officers would stress that, whilst other options may have been considered during the early pre-application stages, the Council nevertheless has to assess the planning merits of the proposal that is subject of the planning application, irrespective of other options that may have been considered and subsequently discounted.

The proposed coastal defence scheme would function in such a way that, should the existing sea wall be breached, the golf course would be allowed to flood but the embankment would act as a barrier to hold back flood water from dwellings and businesses to the south. Allowing the golf course to flood during a flood event would mimic the functionality of a coastal flood plain, so, whilst the earth embankment proposal is still an engineered solution, it would utilise green infrastructure and be a more nature-based solution than the re-enforcement of existing sea wall along this stretch of the promenade, which aligns with the national planning policy approach to prioritise natural flood risk management solutions.

The site is also within the Green Barrier, however, an earth embankment which would be grassed over would not be in conflict with the primary function of the Green Barrier

as it would not have the appearance of being developed, and the proposal would therefore not be in conflict with Policy RD2.

The golf course is recreational land and Policy BSC11 seeks to protect both public and private recreational land. The embankment has been designed to run around the periphery of the golf course, and after construction, the site would continue to be used as a golf course and therefore the proposal would not be in conflict with this policy.

The principle of the proposal is therefore accords with national and local planning policy.

#### 4.2.2 Visual amenity

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment; and the effects of a development on, for example, health, public safety and crime. The visual amenity and landscape impacts of development should therefore be regarded as a potential material consideration.

Whilst residential neighbours have raised concern with regards to the impact of the proposal on outlook, no objections have been received on visual amenity grounds. Impact on outlook of residential properties is considered under the residential amenity section below.

The proposal is for the formation of 3m high embankment around the Rhyl golf course. The embankment would be planted and landscaped and would be maintained as green infrastructure. The golf course is currently a largely flat, open plain and therefore the introduction of an embankment would alter the visual appearance of the site.

A Landscape and Visual Impact Assessment (LVIA) has been submitted with the application. It identified some harm to landscape character and visual effects during the construction phase and operation phase.

Mitigation measures are proposed to reduce adverse landscape and visual effects. It is acknowledged that, during construction, the mitigation options are limited and will rely on good construction practices to limit the potential adverse effects on landscape and visual receptors (e.g. through careful siting of hoarding boards, lighting etc.).

On completion of the construction works the embankment would be seeded with an appropriate vegetation mix which is suitable for the locality. The Design and Access Statement states it likely that this will have some wildflower seed within the mix to provide a more diverse grass sward which can be left to flower and then be cut once or twice a year. This long grass sward will help to soften the view of the embankment slopes and will provide additional visual interest.

The golf course is currently an open, flat plain and the introduction of a 3m high embankment will therefore alter the visual appearance of the golf course and character of the area, however Officers do not consider the level of change would warrant a refusal on visual amenity grounds.

#### 4.2.3 Residential / public amenity

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment; and the effects of a development on, for

example, health, public safety and crime. The residential amenity impacts of development should therefore be regarded as a potential material consideration.

Objections have been received from members of the public on grounds of overlooking, impact on privacy and impact on outlook.

*Effect on outlook / overbearing impact:*

Whilst the proposal may affect outlook from windows and gardens from properties that abut the Golf Course, in particular from those along Green Lanes and Terfyn Pella Avenue, Officers would stress the embankment would have a maximum height of 3m above existing ground level and would be grassed and landscaped.

The closest dwelling would be 61 Green Lanes, and the base of the embankment would be approx. 6.7m from the front elevation of this property and the crest would be some 10m from the front elevation of this property, and there would be a public highway between the frontage and the embankment.

Owing to the scale, form and natural design of the embankment proposed, and the separation distances between the embankment and residential properties, the proposal is not considered to be of a scale that would give rise to an overbearing impact when viewed from neighbouring property, and nor would it unacceptably overshadow neighbouring property.

Whilst it is acknowledged the outlook from properties along Green Lanes and Terfyn Pella Ave would be altered, Officers would stress there is no right to a private view, and the proposal would not be of a scale that would adversely impact on residential amenity in terms of overbearing impact and overshadowing.

*Overlooking / impact on privacy:*

Concern has been raised from residential neighbours that there would be an unacceptable level of overlooking from the top of the embankment into private gardens and towards windows.

Officers would stress that public access is not proposed along the crest of the embankment, however there are three points along the embankment where ramps are proposed to allow footpath access over the embankment. These are at a point to the west adjacent to the golf clubhouse; in the centre of the embankment along Rhyl Coast Road and in the eastern section close to the Green Lanes.

It is the section in the east to which public objections relate. The existing footpath that runs from the end of Terfyn Pella Ave and Green Lanes is proposed to be diverted along the front of the embankment and then a ramp would provide access over the embankment to link with the Promenade.

Officers would note that the existing footpath that leads from Terfyn Pella Ave and Green Lanes to the Promenade already runs close to residential properties, and the proposed re-alignment of the informal footpath is not significantly different to the existing routing, however it is acknowledged that proposed footpath would go over the embankment, which at its highest point would be 3m above ground level, and may provide an elevated sight line towards property where one does not currently exist.

The start of the ramp in the eastern section of the embankment is 23m from the nearest property along Green Lanes, and the crest of the embankment would be 40m from nearest residential property along Green Lanes. Whilst there may be some visibility from the ramped section towards properties along Green Lanes, Officers would stress the visibility would be towards front elevations of dwellings along Green Lanes which are already clearly visible from the public highway and other public vantage points, and owing to the limited height of the embankment and the separation distance between the ramped section and dwellings, the level of

overlooking is not considered to adversely impact on the privacy currently enjoyed by those properties.

Impact from increased usage of footpaths

Concern is also raised that the proposal to improve footpaths would increase usage to the detriment of residential amenity as a result of increased noise and disturbance from users of the footpaths.

Officers would note that public rights of way and footpaths already cross through the site, and the footpath leading from Terfyn Pella Ave and Green Lanes which runs around the golf course, appears to be in frequent use.

The route of public rights of way would remain as existing. Informal footpaths would be re-routed around the proposed embankment, and therefore would be ramps leading over the embankment to provide access to the promenade.

Officers would note that, whilst the proposal is proposing to safeguard and improve the existing rights of way and footpath links across the golf course, it is not creating any additional footpaths, and there is no evidence to suggest the scheme would result in a significant increase in usage of those footpaths, to the detriment of residential amenity of neighbouring properties.

Impact on public amenity:

The promenade is currently open to the public and is part of the Wales Coastal Path and contributes to the tourism offer of the County. There are both public rights of way and footpaths across the golf course which provide public amenity and the golf course is also a community facility. Temporary closures of footpaths and the coastal path are needed during the construction phase and the golf course would need to be closed for the duration of the construction phase.

Temporary adverse impacts to tourism are therefore identified due to loss of access to the public rights of way and footpaths and golf course.

Once completed however, the diversion to the Coastal Path and footpaths would cease and access would be open to the public. The proposal also incorporates improvements to the informal footpath that crosses through the site. The golf course will also re-open on completion of works.

Impact on public amenity are therefore limited to the construction phase.

Construction disturbance:

The construction phase is likely to last approx. 3 years and construction activity is likely to impact on residential and public amenity.

A Noise and Vibration Assessment has been provided, which considers construction noise, construction vibration and traffic noise from construction traffic.

The assessment considers the impact on residential properties, and concludes that the project would result in the closest residential properties experiencing high levels of noise from construction works, which would result in a temporary major adverse impact from noise. The holiday camp opposite would experience temporary moderate adverse impacts from noise.

Unmitigated, the moderate and major adverse impacts would be considered significant due to the sensitivity of the existing residents.

Sheet piling is proposed to construct the embankment which is likely to result in a moderate adverse short duration impact on residential properties as a result of vibrations from piling works.

The assessment states there would be nearly 8,000 HGV deliveries, and at the busiest point of the construction programme, there will be up to 28 deliveries per day by HGV, which equates to 56 HGV vehicle movements per day. In addition, there could be up to 35 workers on site at any one time; assuming that each one could come by car, this equates to 70 additional car movements per day, however noise associated with the traffic movement is not considered to be significant.

Construction lighting could also adversely impact on amenity.

The Design and Access Statement provides an overview of construction works and sets out indicative hours of working, which is 7am – 7pm.

Public Protection Officers have advised that they would want to alter the hours of working to reduce impact on residential properties and other construction activities would also need to be controlled to ensure adequate mitigation measures are in place to reduce impact on neighbours. Officers consider this can be controlled by condition.

Conclusion:

In concluding on the impact on residential and public amenity, Officers do not consider the embankment proposed would result in any unacceptable level of overshadowing. Whilst the embankment would change the outlook from residential properties which overlook the golf course, the level of change is not considered give result in an overbearing impact.

In terms of overlooking, Officers would note that the golf course is already traversed by rights of way and public footpaths, which already offer a line of sight towards neighbouring residential properties. Whilst there would be no public access along the crest of the embankment, there would be ramped access over the embankment at certain points. However, having regard to the orientation of dwellings, the limited height of the embankment and the separation distance between residential properties and the ramped sections over the embankment, the proposal is not considered to result in an unacceptable level of overlooking of residential properties or gardens.

In terms of construction disturbance, the proposal will adversely impact on residential amenity as a result of noise, vibration and general construction disturbance.

The potential for adverse impacts on residential neighbours is a consideration to be given significant weight. However, due to the nature of the proposal, nuisance generating construction activities will not be continuously carried out throughout the construction phase, and accordingly activities which are likely to generate adverse noise could be strictly controlled and time limited to ensure residents aren't exposed to unacceptable noise levels of prolonged period of times.

Officers also note the significant adverse effects are temporary and would only occur during the construction phase, and would cease once the works have been completed.

Officers consider it necessary to ensure construction activity is carefully managed to ensure adverse impacts on local residents are carefully controlled and mitigated for as far as practical. Officers consider this can be achieved through the imposition of a condition requiring submission of a details Construction Method Statement.

The proposal would therefore give rise to adverse impacts on residential amenity during the construction phase, however Officers consider to the imposition of conditions to secure a Construction Method Statement, would ensure adverse impacts can be managed in order to minimise disruption as far as practical, however it is acknowledged there would be some residual noise and disturbance from construction disturbance which cannot be fully mitigated owing to the close proximity of residential property.

#### 4.2.4 Ecology

Future Wales Policy 8 states new and improved flood risk management infrastructure must maximise opportunities for environmental benefits and must ensure that projects do not have adverse impacts on international and national statutory designated sites for nature conservation and the features for which they have been designated.

Policy VOE 5 requires due assessment of potential impacts on protected species or designated sites of nature conservation, including mitigation proposals, and suggests that permission should not be granted where proposals are likely to cause significant harm to such interests.

This reflects policy and guidance in Planning Policy Wales (PPW 11) Section 6.4 'Biodiversity and Ecological Networks', current legislation and the Conservation and Enhancement of Biodiversity SPG, which stress the importance of the planning system in meeting biodiversity objectives through promoting approaches to development which create new opportunities to enhance biodiversity, prevent biodiversity losses, or compensate for losses where damage is unavoidable.

Planning Policy Wales (PPW 11) sets out that "*planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity*" (Section 6.4.5). PPW also draws attention to the contents of Section 6 of the Environment (Wales) Act 2016, which sets a duty on Local Planning Authorities to demonstrate they have taken all reasonable steps to maintain and enhance biodiversity in the exercise of their functions. It is important that biodiversity and resilience considerations are taken into account at an early stage when considering development proposals (Section 6.4.4).

Public representation has raised concerns with regards to impact on wildlife.

NRW and the Council's Ecology Officer have raised no objection to the proposal, subject to the imposition of conditions to secure ecological mitigation and enhancement.

The site is within 5km of a number of European Protected Sites and the western section of the site intersects with the western boundary of the Y Ffrith local wildlife site, which comprises sand dune and dune scrub.

The application is supported by a comprehensive suite of ecological assessment and species specific survey, and includes ecological enhancement works both onsite and within the local wildlife site. Enhancement works include planting the embankment to naturalise with surrounding dune system and habitat management across the local wildlife site to improve condition of habitat present.

The application is also supported by a Habitat Regulations Assessment, which considers the impact on European Protected Sites and which concludes that mitigation measures for pollution prevention are necessary to reduce the impact of the works on the qualifying features of Liverpool Bay SPA. Mitigation measures can be set out in a Construction Environmental Management Plan which can be secured by condition.

Officers therefore conclude that, subject to the imposition of conditions, the proposal would not adversely impact on a statutory wildlife site and would result in a net biodiversity benefit, and the proposal is considered to accord with the policies above.

#### 4.2.5 Drainage (including flooding)

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned,

and can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment; and the effects of a development on, for example, health, public safety and crime. The drainage and flood risk impacts of development should therefore be regarded as a potential material consideration.

Planning Policy Wales (PPW 11) Section 6.6.9 states '*The adequacy of water supply and the sewage infrastructure should be fully considered when proposing development, both as a water service and because of the consequential environmental and amenity impacts associated with a lack of capacity*'.

Planning Policy Wales (PPW 11) Section 6.6.22 to 6.6.29 identifies flood risk as a material consideration in planning and along with TAN 15 – Development and Flood Risk, which provides a detailed framework within which risks arising from different sources of flooding should be assessed. TAN 15 advises that in areas which are defined as being of high flood hazard, development proposals should only be considered where:

- new development can be justified in that location, even though it is likely to be at risk from flooding; and
- the development proposal would not result in the intensification of existing development which may itself be at risk; and
- new development would not increase the potential adverse impacts of a flood event

No objections have been received on strategic flood risk grounds and representations acknowledge the flood risk improvements the proposal would bring about.

Whilst NRW are supportive of the scheme in reducing flood risk from tidal inundation by partner Risk Management Authority, NRW have however raised concerns with the impact of the proposal on their pumping station which is located on the Golf Course, in particular their ability to access the pumping station.

The site largely falls within Zone C1 which TAN15 describes as “areas of the floodplain with significant flood defence infrastructure”. The application is supported by a Flood Consequences Assessment.

The FCA states, as the development is water compatible flood defence infrastructure, it is not subject to the justification tests set out in TAN15. Whilst the site is not previously developed land, Officers would consider the proposal meets the other tests set out in TAN15 para. 6.2, as it is necessary to assist a local authority strategy to sustain an existing settlement and the potential consequences of a flood event have been found acceptable; In any event, the strategic benefits of the scheme in terms of flood risk betterment would justify the proposal regardless of the greenfield status of the land.

The detailed assessment of tidal flood risk shows that in the baseline scenario, flooding is predicted across the red line boundary area of the development site during all return periods. Areas of Eastern Prestatyn are at risk during the 2020 0.5% AEP and 0.1% AEP scenarios. In the 2120 0.5% and 0.1% AEP events a significant area of Western Prestatyn and Eastern Rhyl is at risk of flooding, with predicted flood depths exceeding 1.2m.

During the post development scenarios, flood water is confined behind the proposed flood defence and mitigates the risk of flooding to residential and commercial areas of eastern Rhyl and western Prestatyn. Although considerable increases in flood levels are predicted to the NRW pumping station, the benefits of the scheme are considered to outweigh the risks to this NRW asset.

The FCA demonstrates that the proposed scheme meets the acceptability of the consequences criteria successfully.

As a result of the proposed coastal defence scheme for Central Prestatyn, the risk of coastal flooding is mitigated to the large number of properties across the area.

Whilst the proposal would result in a flood risk betterment for surrounding residential and commercial properties, the FCA acknowledges there would be detriment to the NRW pumping station on the site.

The applicant has responded to the concerns raised by NRW in terms of impact on the NRW pumping station, which is summarised below:

1. Pumping station to be located outside the embankment.

The applicant has advised that, within the Council's long-term adaptive plan for the Denbighshire coastline an allocation was included within the Full Business Case (FBC) to contribute towards the relocation of the NRW pumping station. This long-term plan acknowledged that there was not an economically or financially viable scheme to protect the frontage, so erosion would eventually mean the pumping station would need to be relocated.

This amount was not included as compensation because without a capital scheme the frontage would start to erode through natural processes, not through any interventions of the Council. Even with continued 'business as usual' maintenance, the promenade would eventually be undermined, and a capital scheme is needed to prevent this.

The long-term plan to relocate the pumping station as part of the adaptive design can be specifically written within the FBC along with the other adaptive elements.

2. Increased risk to the pumping station and fluvial flooding

It should be clarified that maintenance of the frontage will continue after the proposed embankment has been built.

The proposed scheme does not increase erosion risk to the pumping station (maintenance will continue) and therefore will not impact on fluvial flood risk. There is a minor increase in flood depth around the pumping station should an extreme future flood occur.

As described in the FCA: 'managed retreat of this frontage is not being proposed but in the future maintenance measures will no longer be sufficient and the existing sea wall will eventually fail, leading to tidal flooding of the pumping station, and its likely failure through erosion. As a result, it is likely that NRW will be required to make safe the pumping station prior to failure of the existing defences in order to continue to mitigate fluvial flood risk to wider Prestatyn.'

Overall, the scheme reduces flood risk from Rhyl Cut as tidal inundation of the watercourse will be prevented by the scheme.

3. Access to be maintained

Several new access points have been proposed so that the pumping station can continue to be maintained.

Following the construction of the embankment, current access to the pumping station will change. Three new access routes have been proposed, these are shown in Figure 1 as A, B and C, which is included at section 1.1.8 above.

Route A will be suitable for large vehicles to access the pumping station. Access point A will be protected from erosion by rock armour. Should a breach occur between this rock and the pumping station, then access to the pumping station can be continued along the golf course itself.

Routes B and C are primarily for pedestrians and cyclists but the path will be 3m wide and designed to allow maintenance vehicles to enter. Emergency access to the promenade and pumping station would be possible through routes B and C but only for standard maintenance vehicles, not plant.

Page 38 of the FCA describes how long it will take before it will be safe to access the pumping station for maintenance, following an extreme tidal flood event. The proposed new culverts will increase the draw down time so lack of access will only be for several additional hours compared to the current situation.

Notwithstanding the concerns raised by NRW, having regard to the detailed response provided by the applicant, the FCA conclusions with respect to the pumping station and the provision on new access routes to provide access to the pumping station, Officers consider that mitigation is proposed to offset the increased flood risk to the pumping station which will arise as a result of the development, and the proposal would not result in a significant impact on the function of the pumping station in a flood event, and therefore the impact on the proposal on the NRW pumping station is not considered to override the strategic flood risk betterments associated with the development, and the proposal is considered to be in accordance with the policies listed above.

#### 4.2.6 Highways (including access and parking)

Future Wales Policy 8 states new and improved flood risk management infrastructure must maximise opportunities multiple social, economic and environmental benefits.

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment; and the effects of a development on, for example, health, public safety and crime. The highway impacts of development should therefore be regarded as a potential material consideration.

Policy ASA 3 requires adequate parking spaces for cars and bicycles in connection with development proposals, and outlines considerations to be given to factors relevant to the application of standards. These policies reflect general principles set out in Planning Policy Wales (PPW 11) and TAN 18 – Transport, in support of sustainable development.

The Parking Standards in New Developments SPG sets out the maximum parking standards for new developments.

Highway Officers have raised no objection to the proposal, subject to conditions being imposed to secure construction method statement.

The Design and Access Statement considers the traffic and highway impacts associated with the proposal.

In terms of construction traffic routes, traffic would travel to site from the western directions and routing would avoid Rhyl town centre as far as practical.

The proposal would be constructed in three stages with different vehicular movements associated with each stage. The Noise and Vibration Assessment states that over the course of the construction programme, there will be nearly 8,000 HGV deliveries. At the busiest point of the construction programme, there will be up to 28 deliveries per day by HGV, which equates to 56 HGV vehicle movements per day. In addition, there could be up to 35 workers on site at any one time; assuming that each one could come by car, this equates to 70 additional car movements per day.

Officers would note that the site is well served by main roads, and that traffic management can be controlled through the Construction Method Statement which can be secured by condition.

Having regard to the comments of the Highway Officer, the proposal is not considered to adversely impact on highway safety or traffic movements, and subject to the imposition of a condition to secure a Construction method Statement, the proposal would be in general accord with the policies listed above.

#### 4.2.7 Archaeology

Local Development Plan Policy VOE1 seeks to protect sites of built heritage from development which would adversely affect them, and requires that development proposals should maintain and wherever possible enhance them for their characteristics, local distinctiveness and value to local communities.

Planning Policy Wales (PPW 11), Section 6 'Distinctive and Natural Places' recognises the need to conserve archaeological remains. The consideration of archaeological remains and their setting is a material planning consideration in determining planning applications, whether those remains are a scheduled monument or not.

Section 4 of TAN 24 - The Historic Environment sets out similar considerations to be given by a Local Planning Authority to the determination of applications involving archaeological remains, and their settings. It outlines different scenarios obliging consideration of impacts and stresses the need for submissions to include relevant surveys, studies and assessments, and mitigation proposals.

CPAT have raised no objection to the proposal subject to conditions being imposed to ensure compliance with the Written Scheme of Investigation and Archaeological Mitigation Protocol.

A desk-based assessment has been undertaken and the site has the potential for unrecorded subsurface archaeology to be impacted by the development.

A Written Scheme of Investigation and Archaeological Mitigation Protocol has been submitted which proposes a programme of archaeological monitoring during the excavation works to allow for any archaeological remains to be identified, recorded and artefacts recovered.

Mitigation measures are proposed. An Archaeologist would be present onsite during groundworks and, should subsurface archaeology be reviewed, the preferred approach for any potential heritage assets is to preserve them in situ.

CPAT have confirmed they are happy with the level of assessment carried out, and they have already agreed the approach set out in the supporting information with the applicant.

Having regard to the above, subject to conditions being imposed to ensure compliance with the Written Scheme of Investigation and Archaeological Mitigation Protocol, the proposal would not adversely impact on archaeological interests.

#### Other matters

##### Well-being of Future Generations (Wales) Act 2015

The Well-being of Future Generations (Wales) Act 2015 imposes a duty on the Council not only to carry out sustainable development, but also to take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. The Act sets a requirement to demonstrate in relation to each application determined, how the development complies with the Act.

The report on this application has taken into account the requirements of Section 3 'Well-being duties on public bodies' and Section 5 'The Sustainable Development Principles' of the Well-being of Future Generations (Wales) Act 2015. The recommendation is made in accordance with the Act's sustainable development principle through its contribution towards Welsh Governments well-being objective of supporting safe, cohesive and resilient communities. It is therefore considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.

## **5. SUMMARY AND CONCLUSIONS:**

- 5.1 The proposal is a new coastal embankment around the Rhyl golf course which is proposed to protect residential and commercial properties in Prestatyn from the risk of tidal flooding. The principle of the proposal is supported by national and local policy and the benefits of the scheme are to be afforded significant weight.
- 5.2 In terms of impact on residential amenity, concern has been raised regarding the impact of the embankment on neighbouring residential properties. However, having regard to the design, form siting and height of the embankment; the restriction in public access over the embankment; the orientation of dwellings; and the separation distance between residential property and the embankment, the proposal is not considered to result in any unacceptable level of harm to residential amenity from overlooking, overshadowing or overbearing impact.
- 5.3 However, the proposal is a major infrastructure project and the construction phase would likely last up to three years, and therefore the impacts of the proposal during the construction phase need to be carefully considered. Construction works have the potential to generate adverse impacts on local residents, in particular from construction noise and vibration.
- 5.4 It is to be noted nuisance generating construction activities would not be continuously carried out throughout the duration of the construction period, and measures can be applied to mitigate or limit exposure to adverse effects in the interests of protecting residential amenity. Officers therefore consider it essential to ensure construction activities are controlled and mitigated for as far as practicable. Such control can be obtained through the imposition of a condition requiring the submission of a Construction Method Statement, to include details of work programme and hours of operation, traffic management, noise and vibration management and pollution prevention and control measures.
- 5.5 The construction activities therefore would adversely impact on residential and public amenity which is a matter to be given significant weight. However, the long term benefits of the scheme in terms of flood risk betterment would make a significant positive impact on the locality, but also on the residential amenity of individual properties as it would provide additional protection from coastal flooding, and accordingly the harm from construction activities is not considered to outweigh the overriding, strategic benefits of the scheme.
- 5.6 In terms of flood risk, a flood consequences assessment has been provided. The proposal would result in a long term flood risk betterment. NRW has raised concerns with regards to the impact of the proposal on their pumping station located within the site, in particular access. The applicant has demonstrated that access to the NRW pumping station could be maintained in a flood event, and Officers consider the impact on the NRW pumping station does not override the strategic flood risk betterments associated with the development.
- 5.7 Ultimately, the identified adverse effects from construction activities and impact on an NRW pumping station are not considered to outweigh the overriding, strategic benefits the scheme in terms of long term flood risk betterment and enhancement of climate change resilience, and subject to necessary conditions being imposed, the proposal is considered to be acceptable and is recommended for grant.

**RECOMMENDATION: GRANT-** subject to the following conditions:-

1. The development to which this permission relates shall be begun no later than 13th July 2027

2. The development hereby permitted shall be carried out in strict accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition pursuant to this permission
- (i) Planning Application Cover Letter (Dated 15/12/21) - Received 17 December 2021
  - (ii) Planning Site Location Plan (Drawing No. CP-JBA-03-00-DR-C-2001 Rev P08) - Received 9 June 2022
  - (iii) Topographic Surveys (24 Drawings No. GCS/JBA/0940/1 Rev A) - Received 17 December 2021
  - (iv) Planning Site Plan 1 Sheet 1 of 8 (Drawing No. CP-JBA-03-00-DR-C-2101 Rev P09) - Received 9 June 2022
  - (v) Planning Site Plan 2 Sheet 2 of 8 (Drawing No. CP-JBA-03-00-DR-C-2102 Rev P08) - Received 9 June 2022
  - (vi) Planning Site Plan 3 Sheet 3 of 8 (Drawing No. CP-JBA-03-00-DR-C-2103 Rev P02) - Received 17 December 2021
  - (vii) Planning Site Plan 4 Sheet 4 of 8 (Drawing No. CP-JBA-03-00-DR-C-2104 Rev P08) - Received 9 June 2022
  - (viii) Planning Site Plan 5 Sheet 5 of 8 (Drawing No. CP-JBA-03-00-DR-C-2105 Rev P02) - Received 17 December 2021
  - (ix) Planning Site Plan 6 Sheet 6 of 8 (Drawing No. CP-JBA-03-00-DR-C-2106 Rev P02) - Received 17 December 2021
  - (x) Planning Site Plan 7 Sheet 7 of 8 (Drawing No. CP-JBA-03-00-DR-C-2107 Rev P07) - Received 9 February 2022
  - (xi) Planning Site Plan 8 Sheet 8 of 8 (Drawing No. CP-JBA-03-00-DR-C-2108 Rev P08) - Received 9 June 2022
  - (xii) General Notes (Drawing No. CP-JBA-01-00-DR-C-1000 Rev P02) - Received 17 December 2021
  - (xiii) Typical Sections A & B (Drawing No. CP-JBA-01-00-DR-C-2201 Rev P10) - Received 9 June 2022
  - (xiv) Typical Sections C & D (Drawing No. CP-JBA-01-00-DR-C-2202 Rev P08) - Received 9 June 2022
  - (xv) Typical Sections E & F (Drawing No. CP-JBA-01-00-DR-C-2203 Rev P07) - Received 17 December 2021
  - (xvi) Typical Sections G & H (Drawing No. CP-JBA-01-00-DR-C-2204 Rev P08) - Received 17 December 2021
  - (xvii) Typical Sections I & J (Drawing No. CP-JBA-01-00-DR-C-2205 Rev P05) - Received 17 December 2021
  - (xviii) Central & East Typical Outfall Plan (Drawing No. CP-JBA-01-00-DR-C-2301-S3 Rev P07) - Received 17 December 2021
  - (xix) Central & East Typical Outfall Section & Elevations (Drawing No. CP-JBA-01-00-DR-C-2302 Rev P07) - Received 17 December 2021
  - (xx) Central & East Typical Outfall Section & Elevations (Drawing No. CP-JBA-01-00-DR-C-2303-S3 Rev P04) - Received 17 December 2021
  - (xxi) NRW Culvert Crossing Plan (Drawing No. CP-JBA-01-00-DR-C-2310 Rev P06) - Received 17 December 2021
  - (xxii) NRW Elevation and sections (Drawing No. CP-JBA-01-00-DR-C-2311 Rev P06) - Received 17 December 2021
  - (xxiii) NRW Culvert reinstatement (Drawing No. CP-JBA-01-00-DR-C-2313-S3 Rev P02) - Received 17 December 2021
  - (xxiv) West Access Ramp Plan & Details (Drawing No. CP-JBA-01-00-DR-C-2320 Rev P06) - Received 9 February 2022
  - (xxv) Access Ramp Section & Elevations (Drawing No. CP-JBA-01-00-DR-C-2321 Rev P06) - Received 17 December 2021
  - (xxvi) Central Access Ramp Plan & Details (Drawing No. CP-JBA-01-00-DR-C-2330 Rev P07) - Received 9 February 2022
  - (xxvii) East Access Ramp Plan & Details (Drawing No. CP-JBA-01-00-DR-C-2340-S3 Rev P06) - Received 9 February 2022
  - (xxviii) West Tie In Plan Sheet 1 of 2 (Drawing No. CP-JBA-01-00-DR-C-2350-S3 Rev P07) - Received 9 June 2022
  - (xxix) West Tie In Plan Sheet 2 of 2 (Drawing No. CP-JBA-01-00-DR-C-2351 Rev P09) -

Received 9 June 2022

(xxx) West Flood Gate & Wall Plan & Elevations (Drawing No. CP-JBA-01-00-DR-C-2352 Rev P08) - Received 17 December 2021

(xxxi) West Flood Gate & Wall Details (Drawing No. CP-JBA-01-00-DR-C-2353 Rev P03) - Received 17 December 2021

(xxxii) Slipway Extension Details 1 of 3 (Drawing No. CP-JBA-01-00-DR-C-2354 Rev P04) - Received 17 December 2021

(xxxiii) Slipway Extension Details 2 of 3 (Drawing No. CP-JBA-01-00-DR-C-2355 Rev P04) - Received 17 December 2021

(xxxiv) Slipway Extension Details 3 of 3 (Drawing No. CP-JBA-01-00-DR-C-2356 Rev P03) - Received 17 December 2021

(xxxv) Typical Embankment Surface Details (Drawing No. CP-JBA-01-00-DR-C-2361 Rev P08) - Received 17 December 2021

(xxxvi) Ramp & Path Surface Details (Drawing No. CP-JBA-01-00-DR-C-2362 Rev P03) - Received 17 December 2021

(xxxvii) Typical Hard Surfacing Details (Drawing No. CP-JBA-01-00-DR-C-2363 Rev P03) - Received 17 December 2021

(xxxviii) West Culvert Inlet Plan & Details (Drawing No. CP-JBA-01-00-DR-C-2371 Rev P06) - Received 17 December 2021

(xxxix) West Culvert Outlet Plan & Details (Drawing No. CP-JBA-01-00-DR-C-2372 Rev P06) - Received 17 December 2021

(xl) Access Ramp Handrail & Kerb (Drawing No. CP-JBA-01-00-DR-C-2374 Rev P02) - Received 17 December 2021

(xli) Steps adj to central access ramp plan (Drawing No. CP-JBA-01-00-DR-C-2380 Rev P02) - Received 17 December 2021

(xlii) Sections and Details of Central Access Ramp & Steps (Drawing No. CP-JBA-01-00-DR-C-2381 Rev P02) - Received 9 February 2022

(xliii) Proposed Drainage Details (Drawing No. CP-JBA-01-00-DR-C-2490 Rev P02) - Received 17 December 2021

(xliv) Proposed Drainage Details (Drawing No. CP-JBA-01-00-DR-C-2491 Rev P07) - Received 17 December 2021

(xlv) Planning Development Notice - Received 17 December 2021

(xlvi) PAC-Report Rev P02 (Dated 15/12/21) - Received 17 December 2021

(xlvii) PAC-Report Addendum - Received 22 December 2021

(xlviii) PAC Site Notice Plan - Received 17 December 2021

(xlix) PAC Notice English - Received 17 December 2021

(l) PAC Notice Welsh - Received 17 December 2021

(li) PAC Leaflet - Received 17 December 2021

(lii) Notice Cover Letter Example - Received 17 December 2021

(liii) Planning Design & Access Statement Rev 03 (Dated 15/12/21) - Received 17 December 2021

(liv) EIA Screening Opinion (Dated 6/1/21) - Received 17 December 2021

(lv) Ecological Impact Assessment (Final) Rev A1.C02 (Dated December 2021) - Received 17 December 2021

(lvi) Preliminary Ecological Appraisal (Dated 20/09/2021) - Received 22 December 2021

(lvii) Y Ffrith CWS Condition Assessment (Dated May 2021) - Received 17 December 2021

(lviii) Habitats Regulations Assessment (Dated July 2021) - Received 17 December 2021

(lix) Water Framework Directive Assessment (Dated December 2021) - Received 17 December 2021

(lx) Great Crested Newt eDNA Rev S3.P02 (Dated September 2021) - Received 17 December 2021

(lxi) Reptile Monitoring Rev S3.P02 (Dated September 2021) - Received 17 December 2021

(lxii) Breeding Bird Survey Rev S3.P02 (Dated September 2021) - Received 17 December 2021

(lxiii) Badger Report v S3.P02 (Dated September 2021) - Received 22 December 2021

(lxiv) Flood Consequences Assessment v 3 & Appendices (Dated September 2021) - Received 17 December 2021

(lxv) Historic Environment Desk Based Assessment (Dated July 2021) - Received 17 December 2021

(lxvi) Written Scheme of Investigation and Archaeological Mitigation Protocol Rev P01 (Dated

July 2021) - Received 17 December 2021  
(Ixxvii) Landscape and Visual Appraisal v3 (Dated September 2021) - Received 17 December 2021  
(Ixxviii) Noise & Vibration Assessment v2 (Dated 03/11/21) - Received 17 December 2021  
(Ixxix) Ground Investigation Report D3 Rev P03 (Dated 27/09/21) - Received 17 December 2021  
(Ixxx) Noise and Vibration Assessment v2 (Dated 03/11/21) - Received 17 December 2021  
(Ixxxi) Typical Embankment - Golf Course Green and Tee Interaction Details (Drawing No. CP-JBA-01-00-DR-C-2364 Rev P01) - Received 9 February 2022  
(Ixxxii) JBA Consulting Response to objections Letter (Dated 25/02/22) - Received 28 February 2022  
(Ixxxiii) Reedbed Relocation Plan (Drawing No. CP-JBA-01-00-DR-EN-2702 Rev P02) - Received 9 June 2022  
(Ixxxiv) Public Ramps and Pathways Indicative Plan - Received 28 February 2022  
(Ixxxv) JBA Consulting Response to objections letter (2) (Dated 04/04/22) - Received 4th April 2022  
(Ixxxvi) Response to letter from NRW dated 20.05.22 (dated 16.06.22) Received 17th June 2022

3. PRE-COMMENCEMENT CONDITION

No works in connection with the development hereby approved shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to a detailed Construction Method Statement. The Statement shall provide details of:

- a) work programme and working hours, including timings of deliveries.
- b) the location and general arrangements of the construction compounds and storage areas and measures to reinstate the land following completion of the works;
- c) the arrangements for the parking of vehicles of site operatives and visitors;
- d) traffic management scheme to include the proposed management and routing of construction and delivery vehicles, and directional signing along public roads where necessary;
- e) wheel washing facilities;
- f) the location of areas designated for the loading, unloading, and storage of plant and materials;
- g) the location and detailing of fencing, hoardings or other means of enclosure around and within the site;
- h) pollution prevention and control measures, including measures to mitigate water pollution;
- i) dust management plan;
- j) noise and vibration management plan (including details of monitoring);
- k) external lighting and measures to reduce light spill and glare;
- l) the piling methods and measures to mitigate noise and vibration;
- m) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- n) measures to remove and prevent the spread of non-native invasive species encountered during the construction phase;
- o) storage of top soil and other excavated materials;
- p) Communications protocol setting out procedures for communicating with the local community throughout the construction phase; the management of complaints; and quarterly meetings with the Council's Public Protection department.

The construction works shall then be carried out strictly in accordance with the approved details.

4. PRE-COMMENCEMENT CONDITION

No development, including site clearance, shall commence until a site wide Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:

- (a) Construction methods: details of materials, how waste generated will be managed.
- (b) General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.

- (c) Biodiversity Management: details of invasive species management.
  - (d) Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management.
  - (e) Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
  - (f) Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details.
- The development shall be implemented in accordance with the approved details during the site preparation and construction phases of the development.

5. The development shall be carried out in strict accordance with the recommendations set out in Section 7 of the approved Ecological Impact Assessment (Final) Rev A1.C02 (Dated December 2021) in respect of avoidance, mitigation, compensations and enhancement measures designed to protect and enhance biodiversity.
6. **PRE-COMMENCEMENT CONDITION**  
Prior to the commencement of development, details of an Ecological Compliance Audit (ECA) for the scheme shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall then be carried out strictly in accordance with the approved details.
7. If, during the construction of the development hereby approved, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall then be carried out as approved.
8. Prior to the commencement of development, details of a method statement and risk assessment for the protection of the water main crossing the site shall be submitted to and approved in writing by the local planning authority. The approved development shall then be carried out strictly in accordance with the approved details and shall be retained at all times for the duration of the approved development, including any restoration works.
9. The development shall be carried out in accordance with the provisions set out in the approved Written Scheme of Investigation and Archaeological Mitigation Protocol. The resulting archive shall then be deposited with the Historic Environment Record, Clwyd-Powys Archaeological Trust and the National Monuments Record, RCAHMW.

The reasons for the conditions are:-

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure a satisfactory standard of development.
3. To ensure suitable arrangements are in place to control construction works and minimise impacts, in the interests of residential amenity, highway safety and pollution, prevention and control.
4. To ensure necessary management measures are agreed prior to commencement of development and implemented for the protection of the environment during construction, in the interests of protecting the favourable conservation status of protected sites.
5. In the interests of ecological conservation.
6. In the interest of ecological conservation.
7. To ensure the risks associated with previously unsuspected contamination at the site are dealt with through a remediation strategy, to minimise the risk to both future users of the land and neighbouring land, and to ensure that the development can be carried out safely without unacceptable risks.
8. To protect the integrity of the public sewage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.
9. In the interests of protecting and recording subsurface archaeology